



"THE PLOT AGAINST CHRISTIANITY"

Section II

By Elizabeth Dilling



Theology Library
SCHOOL OF THEOLOGY
AT CLAREMONT
California

DS
141
DS
v.2

THE MORRIS LOEB SERIES

Exhibit No. 1

THE PHARISEES

THE SOCIOLOGICAL BACKGROUND OF THEIR FAITH

The plot against Christianity

BY

LOUIS FINKELSTEIN

PROVOST AND SOLOMON SCHECHTER PROFESSOR OF THEOLOGY
AT THE JEWISH THEOLOGICAL SEMINARY OF AMERICA



VOLUME I

THE LURAYS
23701 Harbor Vista Drive
Malibu, California

PHILADELPHIA

THE JEWISH PUBLICATION SOCIETY OF AMERICA

5706-1946

FOREWORD TO FIRST EDITION

XXI

Exhibit No.2

Judaism. Pharisaism became Talmudism, Talmudism became Medieval Rabbinism, and Medieval Rabbinism became Modern Rabbinism. But throughout these changes of name, inevitable adaptation of custom, and adjustment of Law, the spirit of the ancient Pharisee survives unaltered. When the Jew reads his prayers, he is reciting formulae prepared by pre-Maccabean scholars; when he dons the cloak prescribed for the Day of Atonement and Passover Eve, he is wearing the festival garment of ancient Jerusalem; when he studies the Talmud, he is actually repeating the arguments used in the Palestinian academies.

Nor is it merely the outer accoutrements of Pharisaism which have survived in his life; the spirit of the doctrine has remained quick and vital. The story of this achievement has not yet been fully told; it lies concealed in the history of the repeated persecutions to which the later bearers of Pharisaism were subjected. When ultimately the fragmentary record is pieced together, it will be discovered as an epic, replete with heroic adventure. From Palestine to Babylonia; from Babylonia to North Africa, Italy, Spain, France, and Germany; from these to Poland, Russia, and eastern Europe generally, ancient Pharisaism has wandered. In the midst of new conditions of life, faced with new worlds of thought, the disciples of the Pharisees have sought on the one hand to preserve the old, and on the other to create the new. With the fifteenth and sixteenth centuries their energies began to wane, and an unprecedented weakness appeared in their academies. This was, however, but for the moment. The enlightenment of the eighteenth and nineteenth centuries produced spirits of diverse types, yet united in their common loyalty to the ancient teaching, in Rabbi Israel Baal Shem Tob (ca. 1700-1760) the founder of

Exhibit No. 3

the modern Hasidic movement, Rabbi Elijah Gaon of Wilna (1720–1797) the founder of the critical school of Talmudical exegesis, and Moses Mendelssohn (1729–1786) the creator of a renewed synthesis between traditional Judaism and the learning of the West.

As recently as the latter half of the nineteenth century, there were rabbis who in their mode of life, in their courage, and in their realization that the Law was given man for his happiness, were the equals of the greatest of the Pharisaic or the Talmudic sages. I am especially mindful of the lives and activities of two of these men, because my father, to whose inspiration I am so much indebted, in his youth stood in close touch with them — Rabbi Isaac Elhanan Spektor (1817–1896), a statesman-scholar, and Rabbi Israel Salanter (ca. 1800–1883), a saintly ascetic, and founder of the Musar (ethicist) movement in Lithuanian Judaism.

A number of incidents recorded of the lives of these men indicate how nearly they approached the ancient Pharisees in their human pity and realization that the Law was given to man for his happiness and his development. It is impossible to cite these stories here, but reference may be made to the excellent biography of Rabbi Israel Salanter in Professor Louis Ginzberg's *Students, Saints and Scholars*, and to the brief statement about Rabbi Isaac Elhanan Spektor in the Jewish Encyclopedia.

The lives of these men, and numerous others like them, demonstrate the enduring importance which attaches to Pharisaism as a religious movement. Yet it would have been alien to the purpose of this book to consider the Order from this point of view. This inquiry is essentially historical and sociological, seeking to determine how the Pharisees came into existence, and what their distinctive teachings

OF THE

Exhibit No. 4

BABYLONIAN TALMUD

Original Text Edited, Corrected, Formulated, and
Translated into English

BY

MICHAEL L. RODKINSON

First Edition Revised and Corrected

BY

THE REV. DR. ISAAC M. WISE

President Hebrew Union College, Cincinnati, O.

Volume I.

TRACT SABBATH

SECOND EDITION, RE-EDITED, REVISED AND ENLARGED

BOSTON

NEW TALMUD PUBLISHING COMPANY

100 BOYLSTON STREET

Vol. I Babylonian Talmud, Rod Kinson Trans.
 "the action of a rich man who, hearing that a poor man is about to buy a piece of property, secretly overbids him"? (Qiddushin, 59a.) Could there be a higher sense of true charity than that conveyed by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement four hundred zuz. When the rabbi's son took the money on one occasion he heard the poor man's wife say, "Which wine shall I put on the table? Which perfume shall I sprinkle around the room?" The son, on hearing these remarks, returned with the money to his father and told him of what he had heard. Said Mar Uqba: "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum?" (Ketuboth, 7a.) This is not recorded by the Talmud as an exception; but it is the Talmudical estimate of charity. The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and such as never studied it. When it is remembered that before the canon of the Talmud was finished, in the sixth century,* it had been growing for more than six hundred years, and that afterward it existed in fragmentary manuscripts for eight centuries until the first printed edition appeared; that during the whole of that time it was beset by ignorant, unrelenting, and bitter foes; that marginal notes were easily added and in after years easily embodied in the text by unintelligent copyists and printers, such a theory as here advanced seems not at all improbable.

"Jews" Are Talmudists

The attacks on the Talmud have not been made by the enemies of the Jews alone. Large numbers of Jews themselves repudiate it, denying that they are Talmud Jews, or that they have any sympathy with it. Yet there are only the few Karaites in Russia and Austria, and the still fewer Samaritans in Palestine, who are really not Talmud Jews. Radical and Reform, Conservative and Orthodox, not only find their exact counterparts in the Talmud, but also follow in many important particulars the practices instituted through the Talmud, e.g., New Year's Day, Pentecost (so far as its date and significance are concerned), the QADDISH, etc. The modern Jew is the product of the Talmud.

* According to others, in the eighth century. See our "History of the Talmud."

"Wisdom of the Sages"
 anything in them that must not be carried about on the Sabbath. Said R. Joseph: This is an important ordinance concerning the Sabbath.

"One shall not search for vermin," etc. Does it mean one shall not search for vermin in the day-time (of a Sabbath) lest he destroy any; and he shall not read before a lamp-light lest he snuff (the wick); or are both ordinances connected with each other so as to make the ordinance prohibiting the snuffing of the wick binding? Come and hear. "One shall not search for vermin nor read before the lamp-light." What can we understand from this Boraitha better than from our Mishna? Come and hear another Boraitha: "One shall not search before the lamp-light; also, one shall not read before it." These two ordinances are among the other established Halakhas in the attic of Hananiah b. Hyzkiyah b. Gorion. From this is to be inferred that both cases were prohibited for the same reason, that they may entail snuffing the wick.

R. Jehudah in the name of Samuel said: One must not try to distinguish even between his own and his wife's garments (before the lamp-light). Said Rabha: This is said only for the inhabitants of Ma'hoza,* but among the dwellers of rural places the garments can easily be distinguished. And even among the inhabitants of Ma'hoza, only the garments of old women cannot easily be distinguished from those of the men, but not of young women.

The rabbis taught: One shall not search for vermin in the street out of self-respect. In the same wise, R. Jehudah or R. Ne'hemiah taught that one shall not vomit in the street out of self-respect. The rabbis taught: One who searches his garments and finds a louse shall not crack it, but simply rub it with his fingers and throw it away (on the Sabbath). Says R. Huna: This should also be done even on week days, out of self-respect.

We have learned, R. Simeon b. Elazar said: "One shall not kill vermin on the Sabbath." So said Beth Shammai; Beth Hillel, however, allowed this. R. Simeon b. Elazar used also to say in the name of R. Simeon b. Gamaliel: "One is not allowed to negotiate marriage engagements for children, nor to engage teachers or artisan masters for children, nor to pay visits of condolence to mourners, nor to visit the sick on the Sabbath. Such is the decree of Beth Shammai; Beth Hillel, however, allows all this."

* Large cities where the men are effeminate and wear garments like the women.

Vol. 8 (Sanhedrin) showing omission ✓
and also in the name of R. Aqiba, that it is not necessary, as in the above verses there is a warning for both. *) Ex. 7

MISHNA VI.: A blasphemer is not guilty, unless he mentioned the proper name of God (Jehovah). Said R. Jehoshua b. Karha: Through the entire trial the witnesses are examined pseudonymously—i.e. (the blasphemer said): "Jose shall be beaten by Jose." (Rashi explains that the name Jose was selected because it contains four letters, as does the proper name of the Lord.) When the examination was ended, the culprit was not executed on the testimony under the pseudonym; but all are told to leave the room except the witnesses, and the oldest of them is instructed: "Tell what you heard exactly." And he does so. The judges then arise, and rend their garments, and they are not to be mended. The second witness then says: I heard exactly the same as he told. And so also says the third witness.

✓ This applies to Christ (See Exh. 56)

GEMARA: There is a Boraitha: One is not guilty unless he blesses (i.e., curses) the Holy Name by the Holy Name (as illustrated in the Mishna): "Jose shall be beaten by Jose." And whence is this deduced? Said Samuel: From Lev. xxiv. 16, of which the term in Hebrew is "we-nauquib shem," which means, "when he has cursed with the name." And whence do we know that the term "nauquib" means cursing? From [Num. xxiv. 8]: "How shall I curse," etc. And the warning as to this is [Ex. xxii. 27]: "Thou shalt not revile Elohim." But does not "nauquib" mean "hole"? Why, then, not so say—i.e., suppose one wrote the Holy Name on a piece of parchment and tore it, the term "we-yiquaub" [II Kings, xii. 10]? meaning he "bored a hole in its lid"—and the warning as to which should be from [Deut. xii. 3, 4]: "Ye shall destroy their name out of the same place. Ye shall not do so to the Lord," etc. It was said above if the Name should be cursed by the Name, which is not the case here. But perhaps the term "nauquib" is meant as plainly expressed, as the same is used in Num. i. 17, "which are expressed by name" (i.e., it was forbidden to

~~Salomy with children~~ ✓

* We deem it expedient not to translate about two pages of the text preceding the next Mishna, treating of miserable crimes with men and animals, and giving the discussion with questions and answers, it would be undesirable to express in the English language. However, it seems to us important to give the opinion of Rabb: "A minor who was over nine years and one day is guilty, and may be punished the same as one of age, if he commit a crime with man, or an animal of any kind and age." (And there is a Boraitha which agrees with him.) This is all that we think proper to take from the text. See Exh. 54 for The omission.

Aboda Zara (Rodkinson)

An Israelite once happened to leave his wine in the press. Meanwhile a heathen, who heard the roaring of a lion, ran into the press among the casks of wine for his life. Rabha allowed this wine, because the heathen will surely think that some Israelite, too, may chance to save himself here from the lion, and thus take him by surprise, were he, to attempt at touching the wine. (Wine touched by "Gentile" is ruin) ✓ In the city of Pumbeditha thieves once intruded into a house, and it was afterward feared that the casks of wine had been opened by them. As it was not certain whether the thieves were Jews or heathens, the case was brought before Rabha, who allowed the wine on the ground that the majority of thieves in that city are Jews. In a similar case that occurred in Nahardea, Samuel, too, allowed the wine.

A heathen girl was once found among the casks of Jewish wine, holding in her hands wine froth. Rabha allowed the wine, for she might have gotten the froth on the outside of the cask, which, though now no longer noticeable there, might have come out before by chance.

Soldiers once arrived at Nahardea and opened quite a number of Jewish casks. R. Dimi tells of a similar case that occurred in Palestine, and R. Elazar allowed the wine, with no definite reasons, however, to base this decision; he either guided himself by the opinion of R. Eliezar, who holds that a doubt as to whether or no a heathen came near the wine found open is a reason to allow it; or he assumed that the majority of the soldiers were Jews.

A Jewish woman, dealing in wine, once left her keys in charge of a heathen, and the question came up as to whether her wine she has in the tavern is allowed? Said R. Itz'hak in the name of R. Elazar: A similar case was once cited before the sages assembled in college, and they allowed the wine; because entrusting one with the taking care of the key by no means allows him into the room. Abayi said: A like decision is pronounced in the following Boraitha: When one leaves to the care of an ignoramus the keys of his barn where fruit is stored up, the fruit is not defiled, because the keeper of the key is only appointed to watch the key. It is thus obvious that, since in the case of an ignoramus who is ignorant of the rules regarding cleanness the fruit is none the less allowed, the more so in case of the wine. It must, moreover, be concluded from here that the provisions of wine are not so stringent as those of

The persecutors of the Talmud during the period ranging from the first century B.C., when it began to take form, to the present day, have varied in their character, objects and actions. In one respect, however, they all agreed, namely, in their general wish to destroy its existence. Careful consideration of its many vicissitudes certainly justifies the assertion that the Talmud is one of the wonders of the world. During the twenty centuries of its existence not one of them has passed without great and powerful enemies vying with each other and exhausting every effort to destroy it; still it survived in its entirety, and not only has the power of its foes failed to destroy even a single line, but it has not even been able materially to weaken its influence for any length of time. It still dominates the minds of a whole people, who venerate its contents as divine truth, and countless numbers have sacrificed their lives and their possessions to save it from perishing.

A review of its persecutors, before going into their history would not be amiss. They are the Seleucidae, in the time of Antiochus Epiphanes, the Roman Emperor Nero, Domitian, Hadrian, etc., the Samaritans, the Sadducees, Boethuseans, the followers of Jesus, and all the sects opposed to the Pharisees.

Before the development of the Talmud had been completed, when hardly a single section had been arranged systematically and written down, it having been known merely as oral teaching in the mouths of the sages, and reconsidered and analyzed constantly by their disciples in the colleges, it was violently attacked. But no sooner had the Talmud been completed in Babylonia, and the Saburites had put their seal upon it, so to speak, deciding that nothing was to be added to or subtracted from, when Justinian decreed practically its death; that is to say, what amounted to the same thing, capital punishment to all those who were occupied in its study (550). Then followed the Karaites, in the days of the Gaonim, who seriously threatened

THE HISTORY OF THE TALMUD.

Exhibit 10

CHAPTER I.

THE ORIGIN OF THE NAME "TALMUD"—THE SAMARITANS— ANTIOCHUS EPIPHANES—THE SADDUCEES.

The name "written law" was given to the Pentateuch, Prophets and Hagiographa, and that of "oral law" to all the teachings of the "sages" consisting of comments on the text of the Bible. The word Torah alone was applied to the entire Bible, the term "Talmud" was reserved for the oral law, though the meaning of these two words is identical; namely, "teaching" or "study." Still, because it is written *Velimdo* (Deut. xxxi, 19), and *teach it* the children of Israel (put it in their mouths; that is to say that the teacher's duty was to explain and comment on the laws and ordinances until the children understood them thoroughly and were conversant with them by heart)—the name "Talmud" was applied to what was styled by a long phrase "Oral Law" (Torah-she b'al-Peh). This word designated all the commentaries of the sages on the Scriptures which the Pharisees had begun to interpret figuratively.

Figurative interpretation was inaugurated in the days of the Great Assembly when its members resolved to keep themselves distinct from the Samaritans, their inveterate enemies, who adhered to the literal interpretation of the text, which, in the opinion of the Pharisees, was falsified by them. This study, however, commenced to make progress at the time of the Sanhedrin, or from that of the Macedonian conquest of Judea, when the term "Great Assembly" was changed to the Greek "Sanhedrin." It spread into every college where were assembled sages entrusted with the guidance of congregations, with instruction of the Law, of ordinances relating to clean and unclean, to prop-

its existence. Time and time again they triumphed over Talmudic Rabbis and were near making an end of the Talmud and of them. The Rabbis next encountered the Popes. From the time of Pope Innocent III., the Talmud was burned at the stake in nearly every century from the 11th to the 18th, in Italy, France, Germany, Spain, and many other countries, and in the 18th, also in Poland by the Frankists, by Bishop Dembovski, where copies were dragged through the streets of the city, tied to horses' tails and then delivered to the executioner to be burned at the stake in Kamenetz, Lemberg, Brody and elsewhere. In most places, before it was resolved what was to be done with Talmud, the Israelites were forced to dispute with its enemies, and had to pay heavy fines for arriving late to the dispute, as well as for being vanquished in argument, the judges being their enemies. Still what has been the result? The Talmud exists to-day, and not one letter in it is missing. It is true, the persecutions against it are not yet at an end; accusations and calumnies by its enemies, under the new name of anti-Semites, are still directed against it, while the government of Russia legislates against and restricts the rights of the nation which adheres to the Talmud. No modern persecutions, however, can seriously endanger its existence, and it would appear that the Talmud will also survive them and continue as long as the sky spans the earth.

A desire to know all that has befallen the Talmud and all its vicissitudes since its inception would require the reading of all the scattered passages in countless volumes which have been compiled in various ages, languages, and countries. Its history, however, has never yet been written by a single author. Treaties on the Talmud itself, or on certain subjects contained therein, have briefly related part of its history, each according to the subject and the aim of its theme. Such are the works of Zunz and Grätz, the one dealing with rabbinical literature, and the other writing concerning the history of the Jews. Similarly the historians of the world, relating in detail the occurrences of every century, have briefly made mention of what happened to the Talmud in each century. Even in the year there appeared a pamphlet entitled "Ankläger und Vertheidiger des Talmud" (accusers and defenders), by Dr. B. Kurrein, of Frankfort-on-the-Main, apparently giving the entire history of

erty, to crimes. All sages who interpreted the biblical passages figuratively, unlike the Samaritans, were called "Pharisees." The Samaritans of course persecuted those Pharisees (see App. No. 1), objected to their interpretation, and did them great injury whenever they had the power. At last, Janai, Hyrcanus the First, overcame them, burned their temple, devastated their city, and compelled them by force of arms to conduct themselves according to the doctrines of the Pharisees, though he himself in his latter years became a Sadducee.

Until the time of Antiochus Epiphanes, before which period all the high priests since the erection of the second temple had been of the family of Zadok, King David's high priest (see App. 2), and the priests had been also among the sages of the Pharisees and no disputes arose between them as to the interpretation of the law. From the time of Antiochus, however, when the high priesthood passed from the descendants of Zadok to other families, finally coming into the possession of the Maccabees, who were not descendants of the house of Zadok, began to differ from the Pharisees in the interpretation of the Torah, and to explain the texts on the basis of oral tradition. They founded a distinct sect, styled "Sadducees" (after Zadok), and the dispute with the Pharisees and their teaching, i.e. with the Talmud, was begun. They persecuted the Pharisees to the utmost; being mostly men of wealth and rank, and in their hearts leaning toward the Hellenes, who then held sway in Palestine, they joined the Samaritans, the foes of the Jews, whose aim was to eradicate the study of Judaism. Thus united, they gave their aid to Antiochus Epiphanes, who was anyhow the enemy of the Jews, and who decreed on the pain of capital punishment that the Pharisees should discontinue their studies, that circumcision should be performed in a manner other than that prescribed by the Pharisees (see App. No. 3); that the Sabbath should not be observed according to the interpretation of the Sabbath law by the Pharisees, etc. The obvious intention was to destroy the Talmud together with Pharisees who adhered to it. These persecutions against the Talmud ended usually in favor of the Sadducees until the time of Simon ben Shetah, and the above mentioned Janai, Hyrcanus I. (Johanan the High Priest). Then the Pharisees triumphed over their foes, and the oral law was the absorbing subject of the Sanhedrin, under the

leadership of Joshua b. Prachia, Simon b. Shetah and Jehudah b. Tabai. The Talmud was then studied in all colleges of Palestine, Egypt and wherever Jews lived. Owing to the enmity of the Samaritans and the opposition of the Sadducees, many laws and regulations were added to the Talmud of the Pharisees. From that time the Pharisees began to restrict their interpretations so as to make them agree with the deep though literal meaning of the texts, employing therein much sophistry. They counted all the letters of the Torah, and if they found a word or letter not absolutely necessary to the understanding of the text, they said it was placed there only to add to or subtract from the meaning. But at that period the Mishna was not a separate and distinct thing from the Talmud, though many ancient Mishnas already existed in writing, but without a separate title. The Pharisees studied the ancient Mishnayoth, added (see App. No. 4) to them, and explained the biblical texts. All this was entitled Oral Law, or, shortly, "Talmud."

In 1st century CHAPTER II. *Pharisees Down*
Foes

THE DEVELOPMENT OF THE TALMUD DURING THE LAST CENTURY OF THE SECOND TEMPLE'S EXISTENCE (i.e. THE FIRST A.C.)
SHEMAIA—ABTALIAN—HILLEL—SHAMMAI—THE PRINCES (NASIS) OF ISRAEL—R. JOHANAN B. ZAKKAI—SANHEDRIN OF JAMNIA—THE JEWISH CHRISTIANS.

After the triumph of Simon b. Shetah over the Sadducees, when he had finally cleared the Sanhedrin of them, and only the Pharisees remained there, the development of the Talmud progressed rapidly, for the number of the sages, the adherents, reverers, sanctifiers of the Talmud, increased greatly in the colleges of the Ashkaloth (Duumviri) who succeeded to ben Shetah: Shemaia and Abtalian, and, after them, Hillel and Shammai. And although at that time new enemies arose, in the Boethuseans, Essenes, and many other sects who were opposed to its particular doctrines, yet those had not the power to check its progress or to weaken its influence—not only on all Israelites, wherever they dwelt, but also on many Gentiles: for at that time we see that prominent persons of other nations (App. No. 5) come to the chief men of Israel and express their wish to

CHAPTER III.

Ex. 14

Date: 70 A.D.

THE DESTRUCTION OF THE TEMPLE—THE FALL OF BETHEL—THE MASSACRE OF THE SAGES OF THE TALMUD, TILL THE WRITING OF THE MISHNA IN THE BEGINNING OF THE THIRD CENTURY.

The Temple had been destroyed; Rabban Gamaliel and many of his colleagues were dead; the family of the Nasi extirpated, excepting only his son R. Simeon, who succeeded to his father as Nasi and established a college at Usha; and new persecutions, awful in their extent, were directed against those who were engaged in the compilation of the Talmud. The sages, the chief men of Israel, were slaughtered without pity by Trajan and his successors through the entire period of fifty-two years from the destruction of the Temple to the fall of Bethel. Some of these founders of the Talmud who forfeited their lives for its sake are known to us only by their names: R. Ishmael, Simeon b. Azai, Papus b. Jehudah, Yishbab the Scribe, Huzpeth the Dragoman (interpreter), Jehudah the Baker, Hananiah b. Tradion and Aqiba; the last, the main pillar of the Talmud, and who contributed much to its diffusion and completion, died with joy at being enabled to sacrifice his life for it.

One of the causes of the great revolt against the Romans at this time was the prohibition by the Roman government of the study of the Torah, wherein alone the Jews found comfort, since only in their houses of learning could they enjoy complete peace and freedom. But as the death penalty had been decreed against all who occupied themselves with religious study and observed its precepts, and as this prohibition deprived them of their only source of consolation, they rebelled, led by Bar Kochba. R. Aqiba was the first to become his adherent, who journeyed from town to town, inciting the Israelites to rebel, and bringing them the message that a saviour of Israel had arisen in Bar Kochba, the Messiah. It is not surprising, therefore, that Hadrian when he had ascended to the throne, was not content barely with the massacre of the sages of the Talmud, but was intent also on the destruction of the Talmud itself. Unable to find a pretext for killing all the sages who kept it up, he decreed that if any of the old rabbis should

THE BEGINNING OF THE THIRD CENTURY. 11
Hadrian fights Talmud — for assimilation
 qualify a young rabbi for Israel, both should be put to death, and the place in which such took place should be destroyed, believing that with the death of the elder generation the Talmud would be forgotten and Israel would blend with the nations and its memory be obliterated; because he very well knew that as long as the Talmud existed there was little hope for the assimilation of the Jews with other nations. This decree, however, was not executed, and his murderous plan was further frustrated by R. Jehudah b. Baba, who, forewarned of the decree and comprehending its consequences, betook himself to a place between two great mountains between Usha and Shprehem and licensed six of the older men of R. Aqiba's disciples to be rabbis (i.e., teachers of the Talmud): R. Meir, R. Jehudah b. Elai, R. Jose b. Halaphta, R. Simeon b. Jochai, R. Eleazar b. Shemua, and R. Nehemiah. Having done this, and feeling sure that as long as these men lived the Talmud would be kept alive, he thus addressed them: "Fly, my sons, and hide from the wrath of the enemy. I alone will remain, and will offer my body to satiate their vengeance." And in fact the Romans pierced his body with three hundred iron lances, so that it resembled a sieve; but the newly consecrated rabbis were saved, and with them the Talmud. (See Sanhedrin, p. 30.)

Thus the efforts of Hadrian met with no success, so that at last he said to himself: "Great is the sheep that stands among seventy wolves." He saw the Talmud still existing, bringing to naught his plan for converting the Jews, uniting Israel into one people, and establishing it still more firmly as a national and a religious whole. For the six rabbis named above very soon became the soul of Talmudic study; some of them were with R. Simeon, the Nasi, in Shprehem, and others founded colleges of their own. Through them the Talmud regained its former power and influence, and one of them, R. Ilai, became the chief teacher of R. Jehudah the Nasi, the compiler of the Mishna.

Ex. 15

The translation of the Bible (written law) into Greek also contributed very much to the popularization of the Talmud. As long as the Torah was in the sacred language only (for the Aramaic version of the time of Ezra had been concealed or destroyed as early as the time of Rabban Gamaliel the Elder, the son of Simeon who had been slain, or probably even during the

that the president of Sura, which was of far greater repute, was elected at that time, though his name is not mentioned in the chronicles.

With Babram's fall the vengeance of the lawful heir to the throne, Prince Chosru, was visited on the Jews. With the aid of the Byzantine emperor, Mauritius, and the loyal portion of the Persian people, he defeated the usurper, putting to the sword also the greater part of the Jewish population of Machuza, and probably of other cities as well.

Adherers to Scripture obliterated — almost
 CHAPTER VII.

THE EIGHTH CENTURY. THE DOMINION OF THE GAONIM. THE
 OPPOSITION OF THE KARAITES. THE ESTABLISHMENT OF A
 SECT OF THAT NAME.

Karaites

The Pharisees had been victorious over the Sadducees and the other sects opposed to the Oral Law, but had not annihilated them entirely; since only because these latter could not withstand them, they kept silence and were discontented in their hearts. As the Talmud gained strength and became more severe in its decrees against the Sadducees and Samaritans, so that in the end the Kuthim, ^{Samaritans} were declared as idolaters in all respects, then their indignation burned and they awaited a favorable time for revenge. In the time of the dominance of the Gaonim, who carried out the Talmud in practice, the measure became full, and Anan, the nephew of the Gaon at Sura, when he was not elected as Gaon, for the reason of his liberal ideas and his opposition to the Talmud, established the Karaite sect.

Those who hold that the Karaites were a new sect founded by Anan (760 C.E.), are mistaken, for a small sect under the name of Karaites, or adherents of the Text, had existed already in the days of the Talmud, where they are mentioned in many places, as "adherents of the Text," or once "the Karaites add" (Pesachim, 117a in text; in our edition, Vol. V., p. 145). Doubtless the remainder of the Sadducees assumed this name, having lost political influence since they had been vanquished, and the word "Sadducees" being hated by the people. Therefore the remains of the sect called themselves "Karaites," i.e.

³⁰ THE HISTORY OF THE TALMUD. Ex. 17
From 586 B.C. — To 40 A.D. Babylon
among their European brethren, for the benefit of encouraging a more assiduous study of the Talmud at the college of Sura; the vessel being captured by an Arab pirate, the four sages were sold as slaves. One, R. Shemariah b. El'hanan was then brought to Alexandria; there the Jewish community ransomed him, and appointed him as supervisor of religion and teacher of the Talmud in Cairo. The second, R. Hushiel, was sold into slavery at the African coast, and brought to Kairuban. The third, R. Moses b. Enoch was ransomed from his owners after many hardships, at Cordova, where the community chose him as Rabbi. The name of the fourth has not transpired. It is possible that he reached France. The four men, not having attained their object of collecting money for Sura, and its college having been closed seven hundred years after its foundation, brought to an end the spiritual dominion of Babylonia over the Jewish mind and scattered the seeds of Talmudic study throughout all lands. *dominates "Jewish mind"*

The college of Pumbeditha, though it continued to exist for some period after that of Sura, spreading the light of the Torah among all the exiled, sank from its preëminent rank, gradually, till its existence came to an end (about 1040). With it was extinguished the light of the Gaonim. From that time the centre of religious activity for the Jews was in Europe. The Talmud had its home in Spain, whence it spread to other countries, as will be seen in the coming chapters. *ספר*

CHAPTER IX.

THE VICTORY OF KARAISM OVER THE SPIRITUAL DOMINION OF THE TALMUD AND THE MIND OF THE JEWISH NATION—THE LAST GAONIM AT SURA AND PUMBEDITHA—THE CENTRE OF TALMUDIC STUDY TRANSFERRED FROM MESOPOTAMIA TO SPAIN—THE SCHOLARS OF KAIRUBAN—THE PERIOD OF THE GREATEST DIFFUSION OF TALMUDIC STUDY.

Though Rabbinism came out victorious from the struggle with Karaism, it can not be denied that in one respect the latter triumphed. The unlimited dominion which the Talmudic spirit of the colleges of Sura and Pumbeditha had at that time on the minds of the nation of Israel in general in all places of

Ex. 18 SHERIRA, HAI, BEN HOPHNI. *The "glory" of Babylon — Talmud*³⁷
their abode—this spiritual dominion waned greatly. The glory of these colleges irresistibly declined, in spite of all efforts to the contrary, even of a supreme man like Saadiah the Gaon. The spirit of investigation and free thought at Bagdad induced the disciples, to whom the religious teachings of their master Saadiah gave the example, to engage in the study of philosophy, grammar and the interpretations of the text of the Scripture, and to abandon the hard and exhausting studies of Sura. A slight cause, the voyage of the four scholars mentioned above to Europe, sufficed to hasten the end of this college, which did not exist long after the death of R. Saadiah the Gaon, so that it was closed forever after centuries of its existence.

The college at Pumbeditha continued some time longer; it put forth its last efforts, before the lights of its Gaonim and Exilarchs were extinguished, before the glory and religious and spiritual pre-eminence of Babylonia departed from there to honor Spain; and as the light of a candle blazes up before it is extinguished, so there shone on the Babylonian horizon three Gaonim, Sherira b. Hanina, Hai his son, and Samuel b. Hophni the father-in-law of the latter (960-1038). The activity of these men in the field of Talmudic literature persists and exercise their influence yet. *"Babylon The Great"*

R. Sherira placed the Talmudic studies too much above all other studies, whereas in the college at Sura, in accordance with the spirit of Saadiah the Gaon, the sciences also stood in the first rank of studies and a critical spirit reigned in studying Scripture and in commenting on the Talmud. At Pumbeditha the Talmud was the only dish offered to the students, the only subject of the curriculum. R. Sherira was the first who fearlessly taught and said: "The utterances of the Gaonim require no demonstration; whoso rebels against their decisions, rebels against God and betrays His Torah." His book "Megilath Stharim" (Scroll of Mysteries), which was undoubtedly written in this autocratic spirit, is lost. But, on the other hand, he has bequeathed to us a fragment which enlightens us at present, being the chief basis of all Jewish literary and theological history. This is the letter he sent to the congregation of Kairuban, termed "R. Sherira's Epistle," which treats of the history of the Talmud and of the Gaonim and is the key to the otherwise mysterious history of that epoch. From this letter only can

desire to ask of you a question in law concerning myself. You are aware that I loan no money at interest (this he mentioned because the Jews were then charged with usury). I gave to a friend a sum of money with which to purchase merchandise, and in the profits arising from which I was to share. He transported the goods to Paris, but finding that their market price had greatly diminished, he threw all into the Seine without consulting with me. I am therefore of opinion that I may demand of him to return to me the whole sum; for by what right did he inflict on me a financial loss without first asking my consent?" The bishop replied: "You may without doubt; and according to my opinion you are entitled to additional compensation besides, since how dared he destroy your property?" "If that is so," answered R. Nathan, "you will of course grant that God is at least as just as men, and if, according to you, he had created men with the assistance of the other two Persons of the Trinity, how comes it that he declares, 'I will destroy man whom I have created from the face of the earth?' [Gen. vi. 7], without first consulting the other Persons of the Trinity? They also were entitled to a part in disposing of man." On another occasion, being asked why the Jews were obstinate in refusing to worship Mary, the mother of God, R. Nathan replied: "Tell me, you who are so learned, whether the question never occurred to you: how was it possible that the idea of worshipping the golden calf entered the Jews' minds after they had been witnesses, shortly before, of all the signs and wonders of the Eternal, and the thunders and lightnings on Mount Sinai?" The bishop replied: "True; whenever I read this passage it seems a great problem to me." "But I am not in the least surprised," answered R. Nathan, with hidden irony. "The Jews saw that the gold when thrown into the fire was made into a calf, and they doubted not that the Holy Ghost had clothed itself in this precious metal; but you who affirm that the Holy Ghost became incarnate in a woman must needs remember that when God wished to give to the Israelites the Decalogue he warned them: 'For three days you shall not approach a woman.' [Ex. xix. 15]. How, then, can the Jews believe, after this, that when He desired to endow Israel with a new testament, He should himself approach a woman?" Replies of this kind were numerous from R. Nathan, as well as

from his sons Joseph and Asher. Thus it is also told of R. Joseph Bchor Shor that to the question, "Why did God choose to appear to Moses in a thorn?" ("bush" in the incorrect version), he replied, "Because from it no image can be made, nor can it be used to form a cross."

These disputes, however, did not bring about the terrible calamities which usually followed those in the Middle Ages. Judith, the Queen of Louis the Saint, protected the Jews and their studies, preventing the priests from taking vengeance for such ironical expressions as those given above. When Bishop Bodo perceived that his aims were not furthered by the disputes, he prohibited altogether such controversies with the hated Jews. A few decades passed, and not only was this prohibition ignored, but the Jews were again constrained to dispute in the presence of Louis IX. and his wife, and the chief civil and ecclesiastical dignitaries, the latter representing Pope Gregory IX. It fell to the lot of the four rabbis, R. Jechiel of Paris, the disciple of Jehudah the Pious; R. Moses of Coucy, the famed travelling lecturer; R. Jehudah b. David of Melon, and R. Solomon b. Samuel, to dispute with the apostate Donin, who took the name of Nicolus. This man while yet a Jew had evinced a tendency, as it appeared to the rabbis, to rebel against Judaism, and therefore they had excommunicated him. In revenge, he went to Rome in 1239, and charged that the Talmud contained sacrilegious sayings as to Jesus Christ and his mother, and so distorted the Scriptures by its interpretations and comments that thereby the Deity was blasphemed. He further charged that it gave license to illegally deprive Gentiles of their property and granted permission to deceive them. The sum of his libel, which contained thirty-five points, was that the Talmud was the enemy of Christian truth and the sole cause of the refusal of the Jews to recognize the divinity of Jesus. **A Pharisee tells truth about Talmud.**

It will be in place here, before further consideration of the character and consequences of this and many other disputes in which Jewish apostates were the accusers and disputants, to speak of the Jews of the Middle Ages, what they were, and, having in view only the truth, to expose their faults. For by their great intolerance, and their conduct towards all who entertained opinions of the least liberality, differing ever so

A Lie — complete — and its "father"
 for up to this time there have been Jewish apostates and many learned Christian priests who were conversant with its contents and found no evil in them. "Hieronymus," continued the Rabbi, "known to all as a wise and devout Christian writer, who was familiar with Jewish literature, much better than this apostate sinner, would doubtless have sought the destruction of the Talmud, if he had found therein such terrible things as this apostate alleges. Therefore I feel sure that this liar, who seeks our lives, will never attain his object; he may indeed deprive us of our lives, but not of our Torah, dear to us as the pupil of our eye. If you vent on us here in France all your anger, still will the Talmud be found in Spain, Greece, Babylon, Media and Mesopotamia, in possession of the Jews of these countries, and there you cannot reach to destroy it." The king was not satisfied with this, but bade R. Jechiel give a direct answer to Donin. To this the rabbi answered that the moral and legal doctrines of the Talmud were held sacred, but that full credence need not be given to the Hagada, which should not be taken too literally, since it is for the most part allegorical. The Ramban gave expression to a like opinion, but it would be superfluous to quote him entire. To the other accusations of Donin, that the Talmud terms the followers of Jesus Christ "Minim" (infidels), that it condemns Jesus, that it allows ill-usage of people of other nationalities, etc., he replied: "In the Talmud there is no mention of Jesus (Jesu) Christ, but only of another Jesus (Jeshua) who was a disciple of R. Joshua b. Prachia, who lived two hundred years before Christ; that the term 'Minim' in the Talmud includes all who deny the Oral Law; that it grants equality before the civil law to all men, idolators included, and commands visitation of sick idolators, support of their poor, and interment of their dead even in Jewish cemeteries. He also proved that according to the Talmud, the Christians are not included among idolators, since the prohibition as to sharing in divine power is directed only to Israel and has not been enjoined on other people; and, moreover, since the Christians abhor idolators, they cannot themselves be counted among them. There is no distinction drawn between them and Jews by the criminal laws of all civilized lands," as well as in the Talmud. (See App. No. 15.) * See Exh. 278

| | |
|-------------------------------|---------|
| Huna V., son of Zutra | 465-475 |
| Huna VI., son of Chanan | 484-508 |
| Mar Zutra II. (Achunai) | 508-520 |
| Huna Mar Chanan | 520-560 |
| Kafnai | 560-580 |
| Chanani | 580-590 |
| Bostanai | -660 |

With the conclusion of the first volume of this work at the beginning of the twentieth century, we would invite the reader to take only a glance over the past of the Talmud, in which he will see that in almost every century and place of the different countries in Europe, the Talmud was condemned to the stake. By a glance over the present time, however, he will see that not only was the Talmud not destroyed, but was so saved that not even a single letter of it is missing; and now it is flourishing to such a degree as cannot be found in its past history, as will be seen further on.

The details of all the persecutions of the Talmud were given in the preceding chapters. Here we give a list of the places and dates in which it was at the stake, as well as the names of the persecutors.

When Christians Knew about the Talmud

THE TALMUD AT THE STAKE.

| Time. | Place. | Persecutor. |
|-------|----------|---------------------|
| 1244 | Paris | King Louis IX. |
| 1244 | Rome | Innocent IV. |
| 1248 | Paris | Cardinal Legate Odo |
| 1299 | Paris | Philip the Fair |
| 1309 | Paris | Philip the Fair |
| 1319 | Toulouse | Lous |

1322.—Burned in Rome by order of Pope John XXII., and accompanied by robbery and murder of the Jews by the mob.

1553.—Rome: Pope Julius III.—Similar burnings by the same order took place in *Barcelona, Venice, Romagna, Urbino* and *Pesaro*.

Here three wagons full of books were burned; but first they were carried through the streets of the city, while royal officers proclaimed publicly that their condemnation was due to the insults to Christianity which they contained. (See also note, vol. ii. p. 52.)

1554. — Burned by hundreds and thousands in Ancona Ferrara, Mantua, Padua, Candia and Ravenna.

1558. — Rome: Cardinal Ghislieri.

1559. — Rome: Sextus Sinensis.

1557. — Poland: Talmud burned because of the charge made against the Jews that they used the blood of Christian children in their ceremonies. This occurred during the Frankist disturbances.

Talmud flourishes in America

Such was the past of the Talmud which we hope will never be repeated. Now a glance at the end of the last century and the beginning of this one.

The colleges for the study of the Talmud are increasing almost in every place where Israel dwells, especially in this country where millions are gathered for the funds of the two great colleges, the Hebrew Union College of Cincinnati and the Jewish Theological Seminary of America in New York, in which the chief study is the Talmud and its post-talmudical literature. The heads of these colleges are of the most learned scholars of their time, who are very careful in selecting the professors and instructors for these institutions of learning. We were honored to be present at some lectures which the late great Talmudist, Professor Mielziner, delivered before the senior class in Cincinnati, from which we derived great pleasure and, we may also say that in some instances they were to a degree instructive to us in our task of translating the Talmud.

What concerns the theological seminary in our own city, in which we were not permitted (see App. No. 20) to hear the lectures on the Talmud, we are also in the full belief that it will do much for the study and development of the Talmud in this and in future generations. We use the statement of the Talmud, "One may be certain that a master will not leave out from his hand a thing imperfect," and as the dean of this faculty is not only a learned man but also an experienced teacher, there is great hope that he will do all in his power to select instructors and perfect lecturers for this institution.

There are also in our city houses of learning (Jeshibath) for the study of the Talmud in the lower East Side, where many young men are studying the Talmud every day.

We are also glad to notice that among Gentiles the study

R. Jose, etc., but seeing that their hope was forlorn, and that they would not be able to rise again, they gave up the battle publicly, although they did not renounce their beliefs, or abandon their hatred, and tried to continue the same against the teachings of the Pharisees secretly. At least, during the second century we hear nothing of them publicly.

Now we will stop for a moment to see who the Karaite sect was. There is no doubt that there existed a sect by this name in the days of the Talmudists, for they are mentioned several times in the Talmud under the name "Adherers to the Scripture," (בני מקרא), and in one place it is plainly stated "the Karaites added" (Pesachim, p. 117; our edition, p. 246, see foot note 3). Neither is there any doubt that they were not favored by the Talmudists, as we find in many places in the Talmud remarks reflecting on them, as f.i.: "They who occupy themselves with the study of Scripture are not to be blamed, but, on the other hand, not to be praised" (Baba Metzia, 79), and in Hagiga, it states plainly; Rabb said: "If a man goes out from the study of the Mishna to read the verses of the Bible, this man can have no more peace." And there is no doubt that many similar remarks found in the Talmud have reference to this sect. But we can not, with exactness, fix the time when and to what extent this sect openly declared against the teachings of the Talmudists. However, we do not hesitate for one moment to state that during all that time this sect has brooded an intense hatred to every Israelite who has not followed them, although at times they were compelled to conceal their hatred.

One penetrating glance into the history of the Samaritans and into that of the Karaites; one penetrating glance into the literature of the former and into that of the latter; the curses pronounced by both of those sects against the followers of the Rabbanism; the beliefs and principles common to the religion of both (although differing slightly ceremonially), will suffice to induce one to agree with us that the Karaites, whose sect was established in the days of Anan, and a few of whom are living in our own time, have not only borrowed from the Samaritans their teachings, but that the Karaites are the former Samaritans and that even up to date they have changed slightly only in their outward appearance and in name, but not intrinsically.

From the whole sect we will pick out only Anan, who descended from the family of the Exilarch, who came from the house of David (and perhaps was his mother or grandmother of Samaritan descent), and who, from jealousy having scorned and despised

hatred and quarrels were wholly forgotten. We will not cite as an example the Beth Shammai and the Beth Hillel, who, although widely differing from each other in their opinions, still intermarried, as found in the Talmud; but even the Sadducees and the Pharisees, did they there decline to eat and drink with each other, or intermarry? We do not find that anywhere.* The Samaritans, however, and Karaites are singular instances in this respect in history. Although most of them have already intermingled with other nations, not a single instance can be pointed out that they have intermarried with an Israelite or have partaken of his food or drink.

The toleration of the Pharisees and of their teachings is well known. The disciples of the Beth Hillel have done all that lay in their power to bring them into the house of Israel: they credited them in regard to purification; they permitted them to be counted in the number of three for the benediction over the meal (וימין), and in the number of ten for prayer in the prayer house (מנין עשרה); and in fact, wanted to consider them as Israelites for all purposes, but their animosity and trickery increased to such an extent that they could no more be tolerated, and therefore, the leaders of Israel were compelled to regard them in all respects as idolators, and prohibited their bread, wine, and oil. Exactly the same thing happened with the Karaites whom the Rabbanism endeavored, with all their might, to draw near them and debate with them, until they convinced themselves that their hatred toward Israel is so great that they said "הקרעים אינן מתאחין לעולם" (the rents will never be sewed together), "the Karaites will never make up with us," and they are up to date regarded as idolators. (because "adherers to Scripture")

We know well that we are too brief in this article and that we ought to adduce at length all the facts to prove that all that the Samaritans and Karaites have done unto Israel was not to derive any benefit therefrom, or with a view of subduing them, for they

* An example may be given of the last century when a new sect (*Chasidim*) established themselves. The greatest authority, at least in Russia and Poland, Eliah Wilna, called the "Wilner Gaon" in conjunction with all the Rabbis, excommunicated the whole sect, prohibited their eatings and beverages and intermarriage with them. Moreover he allowed any one to denounce the new sect, and their rabbis were imprisoned by the government. But what was the end? Nothing at all. All the excommunications, prohibitions, prosecutions, etc., were abolished, without even the result of a meeting, and as soon as the quarrel was over, not one of either party hesitated to mingle with the opposite sect. All are called Israel, all are Israelites, and at the present time nobody gives any attention to all that happened then.

well knew that this was an impossibility, but only out of blind hatred deeply rooted in them, which descends from generation to generation. We know this very well, but we can not enter here into such details, as it would exceed the limits of an article, and would comprise a whole book in itself. We, therefore, rely upon the intelligence and knowledge of the reader that he will know where to find those if needed.

Even in our own times, when the Karaites number only a few thousands, which accounts for their enjoying equal rights with the natives, since Emperor Nicholas of Russia, they make no secret of their hatred toward Israel. When the anti-Jewish disorders broke out in Russia some few years ago, and many of our co-religionists were exiled from the Middle States of the Russian Empire, the latter have petitioned the Russian Government to be permitted to embrace Karaism. The Minister of the Interior has expressed his willingness to grant their petition if the Karaites will consent to receive them into their midst, and directed an inquiry to this effect to their Hacham in Odessa, but the latter answered that there is no desire on the part of the Karaites to receive the Jews as their co-religionists.

These facts need hardly any comment; they speak for themselves. In fact, during all the long period since the year 760, it has not as yet happened that even a few individual Karaites should intermarry with our co-religionists, or should in any way associate with us. (Even in business affairs they do it only with great reluctance and very seldom.) Is there any stronger proof necessary of this race-hatred? No other race or nation, no matter how great their hatred may be, will ever decline to receive into their midst a Jew, if he only wishes to gain their faith, and will never refuse to associate with him; and the masses, as well as the intelligent classes, have always been favorably inclined toward the Jews. But this hatred of the Karaites has no equal among other nations in any generation. *They know Talmudism.*

As the Samaritans have forged and falsified the Pentateuch, as is now well established, so also did the Karaites forge and falsify the Talmud. And we hereby reproach the writers of the history of the Karaites, who without much deliberations wrote; For Saadiah the Gaon, when king, unable to assign any good reason for a statement found in the Talmud (Jerushalmi), that the Beth Shammai have killed some of the Beth Hillel, and vice versa, has denied the existence of such a statement at all; and Sahl, the son of Matzliah, his opponent, in order to prove to the world the delinquency of R. Saadiah, has descended from Palestine to Babylonia with the

Part 2

M. L. Rodkinson. What is the Talmud? (A book in Hebrew, the first chapter of which is translated into English as an appendix to the Pentateuch. Its language and characters). Chicago, 1894. In the first prospectus issued by the New Amsterdam Book Co., it is republished with additional remarks.

Jesus was familiar with the Tradition of CHAPTER IX. Pharisees

WHY SHOULD CHRISTIANS FEEL INTERESTED IN THE TALMUD? *

Christian theology and Jewish theology having really followed two parallel paths, the history of either cannot be understood without the history of the other. Numberless material details of the gospels find, moreover, their commentary in the Talmud. . . The distinction of epochs is here very important, the compilation of the Talmud extending from the year 200 to the year 500 nearly.—Renan's "Life of Jesus," Introduction.

Is the literature that Jesus was familiar with in his early years yet in existence in the world? Is it possible for us to get at it? Can we ourselves review the ideas, the statements, the modes of reasoning and thinking, on moral and religious subjects, which were current in his time, and must have been revolved by him during those silent thirty years when he was pondering his future mission? To such inquiries the learned class of Jewish rabbis answer by holding up the Talmud. Here, say they, is the source from whence Jesus of Nazareth drew the teachings which enabled him to revolutionize the world; and the question becomes, therefore, an interesting one to every Christian, What is the Talmud? . . .

X The Talmud, then, is the written form of that which, in the time of Jesus, was called the Traditions of the Elders, and to which he makes frequent allusions. What sort of book is it?

The answer is at first sight discouraging to flesh and spirit. The Talmud appears to view in form of fourteen heavy folio volumes, of thick, solid Hebrew and Aramaic consonants, without a vowel to be seen from the first word of the first volume

* Many learned men, as is well known to any student, have in each century since the close of the Talmud written about the necessity of Talmudic studies, even for non-Jews. We have, nevertheless, selected for quotation some statements of modern scholars of this century, to the effect that the study of the Talmud is highly useful to Christian theologians.

THE Ex. 28
BABYLONIAN
TALMUD

SEDER NEZIḲIN

TRANSLATED INTO ENGLISH
WITH NOTES, GLOSSARY AND INDICES
UNDER THE EDITORSHIP OF
RABBI DR I. EPSTEIN
B.A., Ph. D., D. Lit.

FOREWORD BY
THE VERY REV. THE CHIEF RABBI
DR J. H. HERTZ

INTRODUCTION BY
THE EDITOR

LONDON
THE SONCINO PRESS

1935

BABA ḲAMMA
TRANSLATED INTO ENGLISH Ex. 29
WITH NOTES, GLOSSARY
AND INDICES

BY

E. W. KIRZNER, M. A., Ph. D., M. Sc.

LONDON
THE SONCINO PRESS

1935

FOREWORD

BY. Exhibit No. 30

THE VERY REV. THE CHIEF RABBI

Dr J. H. HERTZ

The Talmud is the product of Palestine, the land of the Bible, and of Mesopotamia, the cradle of civilisation. The beginnings of Talmudic literature date back to the time of the Babylonian Exile in the sixth pre-Christian century, before the Roman Republic had yet come into existence. When, a thousand years later, the Babylonian Talmud assumed final codified form in the year 500 after the Christian era, the Western Roman Empire had ceased to be. That millenium opens with the downfall of Babylon as a world-power; it covers the rise, decline and fall of Persia, Greece and Rome; and it witnesses the spread of Christianity and the disappearance of Paganism in Western and Near Eastern lands.

— Satanism incarnate

The Babylonian Exile is a momentous period in the history of humanity—and especially so in that of Israel. During that Exile, Israel found itself. It not only rediscovered the Torah and made it the rule of life, but under its influence new religious institutions, such as the synagogue, i.e., congregational worship without priest or ritual, came into existence—one of the most far-reaching spiritual achievements in the whole history of Religion. At the re-establishment of the Jewish Commonwealth, Ezra the *Sofer*, or Scribe, in the year 444 B.C.E. formally proclaimed the Torah the civil and religious law of the new Commonwealth. He brought with him all the oral traditions that were taught in the Exile, and he dealt with the new issues that confronted the struggling community in that same spirit which had created the synagogue. His successors, called after him *Soferim* ('Scribes'), otherwise

FOREWORD Exhibit No. 31

known as the 'Men of the Great Assembly', continued his work. Their teachings and ordinances received the sanction of popular practice, and came to be looked upon as halachah, literally, 'the trodden path', the clear religious guidance to the Israelite in the way he should go. When the Men of the Great Assembly were no more, the Sanhedrin of Jerusalem took their place. The delight of all those generations was in the Law of the Lord, and in His Law did they meditate day and night. When their exposition followed the verses of Scripture, it was called *Midrash*; and when such exposition followed the various precepts, it was known as *Mishnah*. Academies arose for systematic cultivation of this New Learning, as well as for the assiduous gathering of the oral traditions current from times immemorial concerning the proper observance of the commandments of the Torah. This movement for the intensive study of Scripture did not pass unchallenged. The aristocratic and official element of the population—later known as the Sadducees—unhesitatingly declared every law that was not specifically written in the Torah to be a dangerous and reprehensible innovation. The opposition of the Sadducees only gave an additional impetus to the spread of the Oral Law by the Scribes, later known as the Pharisees. What they sought was the full and inexhaustible revelation which God had made. The knowledge of the contents of that revelation, they held, was to be found in the first instance in the Written Text of the Pentateuch; but the revelation, the real Torah, was the *meaning* of that Written Text, the Divine thought therein disclosed, as unfolded in ever greater richness of detail by successive generations of devoted teachers. 'Apart from the direct intercourse of prayer,' says Herford, 'the study of Torah was the way of closest approach to God; it might be called the Pharisaic form of the Beatific Vision. To study Torah was to think God's thoughts after Him, as Kepler said.'

The product of the feverish activity of the Pharisaic schools threatened to become too unwieldy to be retained by unassisted memory. For all this teaching was oral, and was not to be written down. The first effort at arrangement of the traditional material into a system, was made in the first pre-Christian century by

Hillel. He is the best known of all the rabbis, renowned for his enunciation of the Golden Rule, 'Whatsoever is hateful unto thee, do it not to thy fellow; this is the whole Torah, the rest is but commentary.' He was the embodiment of meekness and humanity. 'Love peace, and pursue peace, love thy fellow-creatures and bring them near to the Torah,' was his motto. He popularised seven exegetical rules for the interpretation of the Torah—e.g., the rules of inference, and analogy—by which the immanent meaning of Scripture might better be brought out; and he divided the mass of traditions that in his day constituted the Oral Law into the six main Orders, which division was accepted by all his successors.

Of the 150 *Tannaim*, or 'teachers', who may be called the architects of the spiritual edifice which in its completed form is known as the Mishnah, it is necessary to mention three more besides Hillel. These are Johanan ben Zakkai, Rabbi Akiba, and Rabbi Judah the Prince. Johanan ben Zakkai was the youngest of Hillel's disciples. By his Academy at Jabneh, he rescued Judaism from the shipwreck of the Roman destruction that overwhelmed the Jewish nation in the year 70. Jabneh became the rallying-ground of Jewish Learning and the centre of Jewish spiritual life. Like nearly every one of the rabbis, he earned his bread by manual labour. Judaism, he held, could outlive its political organism; and charity and love of men replaced the Sacrificial Service. A good heart', he declared, was the most important thing in life.

In the following generation, Akiba was the author of a collection of traditional laws out of which the Mishnah actually grew. He was the greatest among the rabbis of his own and of succeeding times, the man of whom—as the legend says—even Moses was for a moment jealous when in a vision he was given a glimpse of the distant future. His keen and penetrating intellect enabled him to find a Biblical basis for every provision of the Oral Law. Romance illumines the early life of this great rabbi and mystic. In 132 he died a martyr's death for his God and People. On the day that Akiba died was born R. Judah the Prince, also called simply 'Rabbi'. He was a descendant of Hillel in the seventh generation, and a man of uncommon ability, wide culture and lofty virtue. As Patriarch—

destruction of the Temple no Academy existed in Jerusalem. It was Tiberias that was the principal seat of rabbinic learning, till the closing of the Palestinian schools in the 4th century.

The principal Teachers (now called *Amoraim*, 'expounders') of the Palestinian Talmud are Rabbis Johanan and Abbahu.

Johanan (d. 279) was in his early youth a disciple of R. Judah the Prince. He made his Academy at Tiberias the principal seat of learning in the Holy Land, and for a long time he was erroneously held to be editor of the Palestinian Gemara. The following saying, of this illustrious *Amora* is typical of the man: 'When the Egyptians were drowning in the Red Sea, the angels in Heaven were about to break forth in songs of jubilation. God silenced them with the words, My creatures are perishing, and ye are ready to sing!'

Abbahu of Caesarea was a man of wealth, general culture and influence with the Roman authorities. He was a skilful defender of his Faith against Christian attacks. 'Be of the persecuted not of the persecutors,' was his maxim. He put forward the bold notion of successive creations—the idea later taken up by the Jewish Mystics that prior to the existence of the present universe, certain formless worlds issued from the Fountain of existence and then vanished, like sparks from a red-hot iron beaten by a hammer.

The oppression in Palestine under the first Christian emperors led to the extinction of the Patriarchate and to the closing of the Schools in the year 425. The discussions in these Schools were never formally edited. It seems that the Palestinian Gemara originally extended over the whole of the Mishnah; but owing to the adverse circumstances of the time, much of it has been irretrievably lost.

Its *haluchic* portions are marked by calm and temperate discussion, free from the dialectic subtleties which characterise the Babylonian Talmud. Its *Haggadah* is also purer, more rational, though less attractive and poetical, than the *Haggadah* in Babylonia. The Palestinian Talmud, written in a Syriac dialect little known by later generations, was for many centuries almost forgotten by Jewry. Its legal decisions were at no time deemed to possess validity, if opposed by the Babylonian Talmud. It was first printed in

Venice in 1523. Fränkel's classical *Introduction to the Jerusalem Talmud* appeared in 1859. There is a French translation of the Palestinian Talmud by M. Schwab.

I V

When we come to the Babylonian Gemara, we are dealing with ¹ what most people understand when they speak or write of the ¹ Talmud. Its birthplace, Babylonia, was an autonomous Jewish centre for a longer period than any other land; namely, from soon after 586 before the Christian era to the year 1040 after the Christian era—1626 years; from the days of Cyrus down to the age of the Mongol conquerors!

For a long time it was held that the language in which the ¹ Babylonian Talmud was written defied grammatical formulation. This is now seen to be nothing but prejudice. Eminent grammarians have discovered its laws, and have determined its place in the scheme of Semitic languages. Its philological side was treated nearly a thousand years ago in the Talmudic Lexicon (*Aruch*) of Asher ben Jehiel, and has been completed by the labours of Levy, Kohut and Jastrow in the last century. The style of the Babylonian ⁵ Talmud is mostly one of pregnant brevity and succinctness. It is at no time 'easy reading'. Elliptical expression is a constantly recurring feature, and whole sentences are often indicated by a single word. In the discussions, question and answer are closely interwoven, and there is an entire absence of demarcation between them. Hard thinking and closest attention are required under the personal guidance of an experienced scholar, or of an elaborate written exposition of the argument, for the discussion to be followed, or the context understood. And that understanding cannot be gained by the aid of Grammar or Lexicon alone. Even a student who has a fair knowledge of Hebrew and Aramaic, but has not been initiated into the Talmud by Traditional Jewish guides, will find it impossible to *decipher* a page! A great philologist who was also a Talmudist has rightly declared: 'Suppose the teaching of the Talmud suddenly interrupted during the life of a generation; the

This is not the place to speak of the influence of the Talmud; how throughout the centuries of persecution and darkness, it saved Israel from intellectual and moral degradation. My purpose is merely to give a brief presentation of the Talmud as a book. I shall therefore conclude with the words of I. Abrahams. 'The Talmud,' he says, 'is one of the great books of the world. Rabbinism was a sequel to the Bible; and if, like all sequels, it was unequal to its original, it nevertheless shares its greatness. The works of all Jews up to the modern period were the sequel to this sequel. Through them ~~all~~ may be detected the unifying principle that literature in its truest sense includes life itself; that intellect is the handmaid to conscience; and that the best books are those which best teach men how to live. The maxim, *Righteousness delivers from death*, applies to books as well as to men. A literature whose consistent theme is Righteousness, is immortal.'

Former deletions included

A reliable English translation of the whole Babylonian Talmud has long been looked forward to by scholars. This expectation is beginning to be realised by the publication of the Soncino edition of the Order Nezikin.

The translation is based on the Text of the Wilna Talmud, corrected where necessary in the light of variants from MSS. and other printed editions. All the censored passages reappear in the Text or in the Notes. The Notes bring the essence of the classical interpretations, clarify the argument, explain technical expressions, and show in what sense the Biblical verses quoted are to be understood. Wherever possible, place-names are identified, historical and archaeological allusions elucidated, and their parallels in the life of contemporary nations traced.

This notable achievement is due to the quite extraordinary erudition of the Editor, Rabbi Dr I. Epstein, assisted by his staff of scholarly translators. The Editor's Prefatory Note gives some indication of his colossal task. Aside from planning the scope and character of the work, the Editor fixed the Text, controlled the

translation and interpretation, as well as the introductions and glossaries to the various parts, and supplied the greater portion of the 'cultural' notes.

The Publishers too have done their share in the undertaking conscientiously and efficiently. With the result, that never before has there appeared a translation of the Order Nezikin as helpful to the student as these volumes of the Soncino edition of the Babylonian Talmud in English.

J. H. HERTZ

London, Chanukah 5695

2 December 1934

By Editor ^{INTRODUCTION} I. Epstein Exhibit 37
important variants of manuscript and printed editions some of which have been adopted in the main body of the translation, the reason for such preference being generally explained or indicated in the Notes. All the censored passages appear either in the text or in the Notes.

TRANSLATION. The translation aims at reproducing in clear and lucid English the central meaning of the original text. It is true some translators will be found to have been less literal than others, but in checking and controlling every line of the work, the Editor has not lost sight of the main aim of the translation. Words and passages not occurring in the original are placed in square brackets.

NOTES. The main purpose of these is to elucidate the translation by making clear the course of the arguments, explaining allusions and technical expressions, thus providing a running commentary on the text. With this in view resort has been made to the standard Hebrew commentators, Rashi, the Tosafists, Asheri, Alfasi, Maimonides, Maharsha, the glosses of BaH, Rashal, Strashun, the Wilna Gaon, etc.¹ Advantage has also been taken of the results of modern scholarship, such as represented by the names of Graetz, Bacher, Weiss, Halevy, Levy, Kohut, Jastrow, and – happily still with us – Krauss, Büchler, Ginzberg, Obermeyer, Klein and Herford among others, in dealing with matters of general cultural interest with which the Talmud teems – historical, geographical, archaeological, philological and social.

GLOSSARY AND INDICES. Each Tractate is equipped with a Glossary wherein recurring technical terms are fully explained, thus obviating the necessity of explaining them afresh each time they appear in the text. To this has been added a Scriptural Index and a General Index of contents.

In the presentation of the tractates the following principles have also been adopted:

(i) The Mishnah and the words of the Mishnah recurring and commented upon in the Gemara are printed in capitals.

(1) These names are referred to more fully in the list of Abbreviations at the end of each Tractate.

(ii) introducing a Mishnah cited in the Gemara, is rendered 'we have learnt'.

(iii) introducing a Baraitha, is rendered 'it has been (or was) taught'.

(iv) introducing a Tannaitic teaching, is rendered 'Our Rabbis taught'.

(v) Where an Amora cites a Tannaitic teaching the word 'learnt' is used, e.g., הני רב יוסף, 'R. Joseph learnt'.

(vi) The word tanna designating a teacher of the Amoraic period (v. Glos.) is written with a small 't'.

(vii) A distinction is made between ... הלכה כ... referring to a Tannaitic ruling and ... הלכתא כ... which refers to the ruling of an Amora, the former being rendered 'the *halachah* is ...' and the latter, 'the law is ...'.

(viii) R. stands either for Rabbi designating a Palestinian teacher or Rab designating a Babylonian teacher, except in the case of the frequently recurring Rab Judah where the title 'Rab' has been written in full to distinguish him from the Tanna of the same name.

(ix) יהוה, lit., 'The Merciful One', has been rendered 'the Divine Law' in cases where the literal rendering may appear somewhat incongruous to the English ear.

(x) Biblical verses appear in italics except for the emphasized word or words in the quotation which appear in Roman characters.

(xi) No particular English version of the Bible is followed, as the Talmud has its own method of exegesis and its own way of understanding Biblical verses which it cites. Where, however, there is a radical departure from the English versions, the rendering of a recognised English version is indicated in the Notes. References to chapter and verse are those of the Massoretic Hebrew text.

(xii) Any answer to a question is preceded by a dash (—), except where the question and the answer form part of one and the same statement.

(xiii) Inverted commas are used sparingly, that is, where they are deemed essential or in dialogues.

(xiv) The archaic second person 'thou', 'thee' etc. is employed

Raba said: Where an ox upon hearing the sound of a trumpet gores and upon hearing [again] the sound of a trumpet gores [a second time], and upon hearing [again] the sound of a trumpet gores [a third time], the ox will become *Mu'ad* with reference to the hearing of the sound of trumpets. Is not this self-evident?—You might have supposed that [the goring at] the first [hearing of the sound of the] trumpet [should not be taken into account as it] might have been due merely to the sudden fright that came over the ox.¹ We are therefore told [that it would be taken into account].²

A non-Jew has no property rights
Sec Exh. 268-70

MISHNAH. IN THE CASE OF PRIVATE OWNER'S³ CATTLE⁴ GORING AN OX CONSECRATED TO THE TEMPLE, OR CONSECRATED CATTLE GORING A PRIVATE OX, THERE IS NO LIABILITY, FOR IT IS STATED: THE OX OF HIS NEIGHBOUR,⁵ NOT [THAT IS TO SAY] AN OX CONSECRATED TO THE TEMPLE. WHERE AN OX BELONGING TO AN ISRAELITE HAS GORED AN OX BELONGING TO A CANAANITE, THERE IS NO LIABILITY,⁶ WHEREAS WHERE AN OX BELONGING TO A CANAANITE GORES AN OX BELONGING TO AN ISRAELITE, WHETHER WHILE TAM OR MU'AD,⁷ THE COMPENSATION IS TO BE MADE IN FULL.⁸

GEMARA. The [ruling in the] Mishnah is not in accordance ^{a non-Jew}

(1) So that full compensation should begin with the fifth occasion. (2) And full liability will commence with the fourth goring at the sound of a trumpet. (3) [Mishnah text: 'of an Israelite'.] (4) Lit., 'ox'. (5) Ex. XXI, 35. (6) As Canaanites did not recognise the laws of social justice, they did not impose any liability for damage done by cattle. They could consequently not claim to be protected by a law they neither recognised nor respected; cf. J. T. a.l. and Maim. *Yad, Niz. Mam.* VIII, 5. [In ancient Israel as in the modern state the legislation regulating the protection of life and property of the stranger was, as Guttman, M. (*HUCA*, III 1 ff.) has shown, on the basis of reciprocity. Where such reciprocity was not recognised, the stranger could not claim to enjoy the same protection of the law as the citizen.] (7) I.e., the ox that did the damage. (8) So that they should guard their cattle from doing damage. (Maim. *loc. cit.*)

Raba adheres to his own view as [elsewhere] stated by Raba, that a Hebrew slave is actually owned in his body by the master.¹

R. Bibi b. Giddal said that R. Simeon the Pious stated: The robbery of a heathen is prohibited,² though an article lost by him is permissible. His robbery is prohibited, for R. Huna said: Whence do we learn that the robbery of a heathen is prohibited? Because it says: '*And thou shalt consume all the peoples that the Lord thy God shall deliver unto thee*';³ only in the time [of war] when they were delivered in thy hand [as enemies] this is permitted, whereas this is not so in the time [of peace] when they are not delivered in thy hand [as enemies]. His lost article is permissible,⁴ for R. Hama b. Guria said that Rab stated: Whence can we learn that the lost article of a heathen is permissible?⁵ Because it says: *And with all lost thing of thy brother's*:⁶ it is to your brother that you make restoration, but you need not make restoration to a heathen. But why not say that this applies only where the lost article has not yet come into the possession of the finder, in which case he is under no obligation to look round for it, whereas if it had already entered his possession, why not say that he should return it.—Said Rabina:⁷ *And thou hast found it*⁸ surely implies that the lost article has already come into his⁸ possession. Gentiles are

It was taught: R. Phinehas b. Yair said that where there was a danger of causing a profanation of the Name⁹ even the retaining of a lost article of a heathen is a crime. Samuel said: It is permissible, however, to benefit by his mistake as in the case when Samuel once bought of a heathen a golden bowl under the assumption of it being of copper¹⁰ for four zuz, and also left him minus one zuz. R. Kahana once bought of a heathen a hundred and twenty barrels which were "public property" See Exh. 270

(1) Kid. 16a. [To withdraw therefore the slave without payment of redemption money amounts to actual robbery.] (2) Cf. B.M. 87b and Bek. 13b; v. also Tosaf. B.K. X, 8 where it is stated that it is more criminal to rob a Canaanite than to rob an Israelite; cf. B.M. II, 5. (3) Deut. VII, 16. (4) I.e., it is not subject to the law of lost property; Deut. XXII, 1-3. V.B.M. (Sonc. ed.) p. 149. n. 6. (5) Deut. XXII, 1-3. (6) Ibid. XXII, 3. (7) B.M. 2a. (8) I.e., the finder's. (9) Of Israel and his God; V. The Chief Rabbi's commentary on Lev. XXII, 32. (10) Cf. however n. 9. (cheating Gentile. Invidious)

supposed to be a hundred while he similarly left him minus one zuz' and said to him: 'See that I am relying upon you.'² Rabina together with a heathen bought a palm-tree to chop up [and divide]. He thereupon said to his attendant: Quick, bring to me the parts near to the roots, for the heathen is interested only in the number [but not in the quality].³ R. Ashi was once walking on the road when he noticed branches of vines outside⁴ a vineyard upon which ripe clusters of grapes were hanging. He said to his attendant: 'Go and see, if they belong to a heathen bring them to me⁽⁵⁾ but if to an Israelite do not bring them to me.' The heathen happened to be then sitting in the vineyard and thus overheard this conversation, so he said to him: 'If of a heathen would they be permitted?'—He replied: 'A heathen is usually prepared to [dispose of his grapes and] accept payment, whereas an Israelite is generally not prepared to [do so and] accept payment.' See Exh. 270

The above text [stated], 'Samuel said: The law of the State is law.' Said Raba: You can prove this from the fact that the authorities fell palm-trees [without the consent of the owners] and construct bridges [with them] and we nevertheless make use of them by passing over them.⁶ But Abaye said to him: This is so perhaps because the proprietors have meanwhile abandoned their right in them.⁷ He, however, said to him: If the rulings of the State had not the force of law, why should⁸ the proprietors abandon their right? Still, as the officers do not fully carry out the instructions of the ruler,⁹ since the ruler orders them to go and fell the trees from each valley [in equal proportion], and they come and fell them from one particular valley, [why then do we make use of the bridges which are thus constructed from misappropriated timber?]—The agent deliberately made obscure

(1) This clause is altogether missing in Alfasi and Asheri. (2) As to the number of the barrels. (3) Of the pieces. (4) According to the reading of MS. M. (5) Especially since the branches were outside the vineyard and thus probably overhanging a public road; cf. B.B. II, 14. (6) For if the rulings of the State were not binding by religious law, it would have been a sin to make use of the bridges constructed in such a way. (7) Cf. supra p. 382. (8) In accordance with the interpretation of Tosaf. a.l.; v. also supra 148; but according to Rashi read 'What effect could there be even if...' so long as no change in possession followed. (9) Lit., 'King'.

SANHEDRIN

Exhibit 42

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

CHAPTERS I-VI

BY

JACOB SHACHTER

CHAPTER VII

BY

H. FREEDMAN, B.A., Ph.D.

IN TWO VOLUMES

I

LONDON

THE SONCINO PRESS

1935

INTRODUCTION

Exhibit 43

The word Sanhedrin in the tractate which bears its name has a specialised meaning somewhat remote from that of its Greek original συνεδριον. It designates the higher courts of law which in the latter part of the period of the Second Temple administered justice in Palestine according to the Mosaic law in the more serious criminal, and especially capital cases. The main subject of our tractate is the composition, powers, and functions of these courts. Incidentally, as is only natural, it deals in some detail with the conduct of criminal cases; and in this way it forms, along with Makkoth, the chief repository of the criminal law of the Talmud. * Note this.

When the Mishnah was compiled, towards the end of the second century C.E., the Sanhedrin was already a thing of the more or less distant past. As an institution it does not seem to have survived the destruction of the Second Temple; it may even have been falling into decay for some time before that event. Consequently, the information about it given in the Talmud, in this and other tractates, has neither the fulness nor the precision that we could desire. Both Josephus and the New Testament contain references to what is called the "Synhedrion" of the Jewish people, which it is not easy to reconcile with what we are told about any of the Sanhedrin mentioned in the Talmud.

From this tractate itself we learn that there were two kinds of Sanhedrin—the Great Sanhedrin, with 71 members, and the Lesser, with 23. Both, according to tradition, were instituted by Moses, but the first date at which a Sanhedrin is mentioned as actually functioning is 57 B.C.E. In the Talmud the Sanhedrin is almost always spoken of as a purely judicial institution, and the name seems in fact to be interchangeable with Beth Din Haggadol—the great Court of Justice. The Great Sanhedrin met in the Lishkath Hagazith [Chamber of Hewn Stone] in the Temple at Jerusalem; the Lesser Sanhedrin [there seem to have been several of them] met both in Jerusalem and at other places. The Lesser Sanhedrin was also competent to try capital cases, but the Great Sanhedrin was the su-

preme Court of Appeal on all disputed points of law or religious practice. By whom members of the Sanhedrin were appointed is not clear from the Talmud. Naturally they were chosen primarily on account of their learning, but it seems that priests had a prior claim, other things being equal. In the period of the Hasmoneans, Sadducean or Pharisaic elements seem to have predominated in the Great Sanhedrin according to the disposition of the ruling prince.

According to the Talmud, the two most distinguished members of the Great Sanhedrin were known as Nasi [Prince] and Ab-beth-din [Father of the Beth din], while there was a third known as Musla [distinguished]. The last named may have been a kind of expert adviser; the other two titles seem to have been purely honorary, and not to have denoted any official position. Certain it is that in Josephus and the New Testament it is the High Priest who is spoken of as the President of the Synhedrion, and this in itself seems inherently probable. Josephus and the New Testament also picture the Synhedrion as an institution of some political importance; whether this institution was identical with the Great Sanhedrin of the Talmud it is difficult to say.¹

Jesus

In the eyes of Christian students, Sanhedrin has always occupied a favoured place among the tractates of the Talmud on account of the light which it is capable of throwing on the trial of Jesus of Nazareth. It is not without significance that when Reuchlin, the Christian champion of Jewish learning, searched Europe to find a copy of the Talmud, the only Treatise he could find was Sanhedrin. For the Jewish student also, in spite of the fact that its main theme was already at the time of its compilation one of academic interest only, it possesses a peculiar fascination, partly on account of the fundamental importance of the legal principles with which it deals, partly on account of the wide range of its digressions and the exceptionally high quality of its aggadic material. In particular, in view of their influence on the teaching of Maimonides, may be mentioned its famous statement on the limits of monarchic power.

(1) On this question v. Krauss, Introduction to *Die Mischna Sanhedrin-Makkot*, 1933; Büchler, *Das Synedrion in Jerusalem und das grosse Beth Din in der Quaderhalle des jerusalemischen Tempels*; and Taubsch. Z. הנשיא בסנהדרין הגדולה.

HE MAY FORCE A WAY THROUGH PRIVATE PROPERTY etc.

Our Rabbis taught: Royal treasures¹ [must be given] to the king; but of all other spoil, half to the king and half to the people. Abaye said to R. Dimi or, according to others, to Rab Aha: We quite understand it is the natural thing to give royal treasures [wholly] to the king; but where do we learn that of all other spoil he is to receive half?—From the verse, [21a] *And anointed him [Solomon] unto the Lord to be prince, and Zadok to be priest.*² Thus, the prince is compared with Zadok: just as in the case of Zadok [High Priest], half belonged to him, and half to his brethren, so also in the case of the ruler. And whence do we know it of Zadok himself?—As it has been taught, for Rabbi said: *And it [the shew-bread] shall be for Aaron and his sons;*³ this means, half belonged to Aaron and half to his sons.

MISHNAH. NEITHER SHALL HE MULTIPLY WIVES TO HIMSELF⁴—ONLY EIGHTEEN. R. JUDAH SAID: HE MAY HAVE MORE, PROVIDED THEY DO NOT TURN AWAY HIS HEART. R. SIMEON SAID: HE MUST NOT MARRY EVEN ONE WHO MAY TURN AWAY HIS HEART. WHY THEN IS IT WRITTEN, NEITHER SHALL HE MULTIPLY WIVES TO HIMSELF?⁵—EVEN THOUGH THEY BE WOMEN LIKE ABIGAIL.⁶ (24 or 48 wives are advocated on next page based on the numerical value of the words in text) GEMARA. Are we to assume that R. Judah interprets Biblical law on the basis of its reason,⁷ and R. Simeon does not?⁸ But we find the reverse; for it has been taught: A pledge must not be

(1) Taken in war. (2) 1 Chron. XXIX, 22. (3) Lev. XXIV, 9. (4) Deut. XVII, 17. (5) Ibid. From which it might be inferred that he may marry a lesser number even if they should corrupt him. (6) I.e., even of the most virtuous, only eighteen are permitted, and not a single one who misleads is permitted. Abigail was the wife of Nabal the Carmelite. (1 Sam. XXV, 3.) She is regarded in the Aggadah as one of the most remarkable women in Jewish history. V. Meg. 15a. (7) Lit., 'he searches out the reason of the verse'. (8) Therefore, notwithstanding the explicit statement that the king must not multiply wives, R. Judah permits it, where the feared consequences will not follow; whilst R. Simeon learns to the letter of the law.

How do they [the judges] know?¹—Abaye said: Two Rabbis are sent with him: if his statement has substance, he is [brought back]; if not, he is not [brought back]. But why not do so in the first place?²—Because being terrified, he cannot say all he wishes.³

*Jesus
stoned*

MISHNAH. IF THEN THEY FIND HIM INNOCENT, THEY DISCHARGE HIM; BUT IF NOT, HE GOES FORTH TO BE STONED, AND A HERALD PRECEDES HIM [CRYING]: SO AND SO, THE SON OF SO AND SO, IS GOING FORTH TO BE STONED BECAUSE HE COMMITTED SUCH AND SUCH AN OFFENCE, AND SO AND SO ARE HIS WITNESSES. WHOEVER KNOWS ANYTHING IN HIS FAVOUR, LET HIM COME AND STATE IT.

and hung up, or crucified, as a blasphemer

GEMARA. Abaye said: It must also be announced: On such and such a day, at such and such an hour, and in such and such a place [the crime was committed], in case there are some who know [to the contrary], so that they can come forward and prove the witnesses *Zomemim*.⁴

Exn. 75

AND A HERALD PRECEDES HIM etc. This implies, only immediately before [the execution], but not previous thereto.⁵ [In contradiction to this] it was taught: On the eve of the Passover Yeshu⁶ was hanged. For forty days before the execution took place, a herald went forth and cried, 'He is going forth to be stoned because he has practised sorcery and enticed Israel to apostasy. Any one who can say anything in his favour, let him come forward and plead on his behalf.' But since nothing was brought forward in his favour he was hanged on the eve of the Passover!⁷ X'Ulla retorted: Do you suppose that he was one for whom a defence

(1) Whether his statement has substance. (2) I.e., as soon as he starts out for the place of execution, so as to avoid an unnecessary return even the first time. (3) Therefore the first two times he receives the benefit of the doubt. (4) V. Glos. (5) E.g., not forty days before. The two passages that follow have been expunged in all censored editions. [As to the historical value to be attached to them, v. Klausner, *Jesus*, p. 27ff.] (6) [Ms. M. adds 'the Nazarean'.] (7) [A Florentine Ms. adds: and the eve of Sabbath.]

could be made? Was he not a *Mesith* [enticer], concerning whom Scripture says, Neither shalt thou spare, neither shalt thou conceal him?¹ With Yeshu however it was different, for he was connected with the government [or royalty, i.e., influential].

Our Rabbis taught: Yeshu had five disciples, Matthai, Nakai, Nezer, Buni and Todah. When Matthai was brought [before the court] he said to them [the judges], Shall Matthai be executed? Is it not written, Matthai [when] shall I come and appear before God?² Thereupon they retorted: Yes, Matthai shall be executed, since it is written, When Matthai [when] shall [he] die and his name perish.³ When Nakai was brought in he said to them: Shall Nakai be executed? It is not written, Naki [the innocent] and the righteous slay thou not?⁴ Yes, was the answer, Nakai shall be executed, since it is written, In secret places does Naki [the innocent] slay.⁵ When Nezer was brought in, he said: Shall Nezer be executed? Is it not written, And Nezer [a twig] shall grow forth out of his roots.⁶ Yes, they said, Nezer shall be executed, since it is written, But thou art cast forth away from thy grave like Nezer [an abhorred offshoot].⁷ When Buni was brought in, he said: Shall Buni be executed? Is it not written, Beni [my son], my first born?⁸ Yes, they said, Buni shall be executed, since it is written, Behold I will slay Bine-ka [thy son] thy first born.⁹ And when Todah was brought in, he said to them: Shall Todah be executed? Is it not written, A psalm for Todah [thanksgiving]?¹⁰ Yes, they answered, Todah shall be executed, since it is written, Whoso offereth the sacrifice of Todah [thanksgiving] honoured me.¹¹

See Exh. 278

[43b] R. Joshua b. Levi said: He who sacrifices¹² his [evil] inclination and¹³ confesses [his sin] over it,¹⁴ Scripture imputes it to him as though he had honoured the Holy One, blessed be He, in

Death for Christ's Disciples

(1) Deut. XIII, 9. (2) Ps. XLII, 3. (3) Ibid. XLI, 6. (4) Ex. XXIII, 7. (5) Naki is employed here as subject. (6) Ps. X, 8. (7) Isa. XI, 1. (8) Ibid. XIV, 19. (9) Ex. IV, 22. (10) Ibid. IV, 23. (11) Ps. C, 1. (12) Ibid. L, 23. [We can only regard this fencing with texts as a *jeu d'esprit* occasioned no doubt by some actual event, Herford, *op. cit.* p. 93. Cf. also Klausner, *op. cit.* p. 28ff.] (13) I.e., resists, or conquers. (14) After having been induced to sin. (15) [Cf. e.g. Lev. XVI, 21. Ms. M. omits 'over it'.]

MISHNAH. WHEN HE IS ABOUT FOUR CUBITS DISTANT FROM THE PLACE OF STONING, HE IS STRIPPED OF HIS GARMENTS.¹ A MAN IS COVERED IN FRONT AND A WOMAN BOTH IN FRONT AND BEHIND: THIS IS R. JUDAH'S VIEW. BUT THE SAGES SAY: A MAN IS TO BE STONED NAKED BUT A WOMAN IS NOT TO BE STONED NAKED.

See Exh. 274 Jesus Stoned

GEMARA. [45a] Our Rabbis taught: One part of a man was covered, [viz.,] in front and two parts of a woman, [viz.,] in front and behind, because she is wholly shameful [when naked]: this is R. Judah's opinion. The Sages said: A man is stoned naked, but not a woman. What is the Rabbis' reason?—Scripture states, *And they shall stone otho [him]*. Why state 'otho'?² Shall we say, 'otho' but not 'othah' [her]? but it is written, *Then shalt thou bring forth that man or that woman!*³ What then is the significance of 'otho'?—That only he⁴ [is stoned] without his garments, but she⁵ is stoned in her clothes.

R. Judah⁶ said: 'Otho' implies without clothes, and there is no

the other, and *vice versa*. An explanation of the happening was given by the Rabbi in a dream to one of his pupils who was disturbed at the occurrence, and he also informed him that severe punishment lay in store for Simeon b. Shetah in the world to come for the neglect of his duty in tolerating eighty women in Ashkelon guilty of sorcery. Simeon, on being informed about it, took a serious view of the matter and had them executed. The relatives of these women, however, inflamed with a passion for revenge, plotted against his son, charging him with a capital crime, as a result of which he was sentenced to death. On his way to the place of execution the condemned man protested his innocence so vehemently that even the witnesses were moved to admit the falsity of their evidence, giving as ground for their former act their feelings of enmity against Simeon b. Shetah. Yet their latter statement was not accepted, according to the law expounded in the text, that a witness is not to be believed when he withdraws a former statement. The source for Rashi's story is found in J. Sanh. VI, 3; 6, and in J. Hag. II, 2, with slight variations.

(1) In order to hasten his death and lessen the pain (Maim.). The Talmud, however, bases it on Scripture. (2) In a separate pronoun, instead of using the pronominal suffix. (3) Deut. XVII, 5, with reference to idolatry which is punishable by stoning. (4) I.e., a man. (5) I.e., a woman. (6) Who requires only partial covering of a woman.

distinction of sex.¹ Are we to assume that the Rabbis are apprehensive of unchaste thoughts, and that R. Judah is not? But we know in fact that they both hold the reverse, for we learnt⁽²⁾ The Priest seizes her garments.⁽³⁾ It does not matter if they are rent or torn open, until he uncovers her bosom and unloosens her hair. R. Judah said: If her bosom was beautiful, he did not expose it, and if her hair was comely, he did not loosen it.⁴ Rabbah said: In the other case, this was the reason: lest she should come forth from the Beth din innocent and the young priests conceive a passion for her; but here, she is about to be executed! And should you object, But through her their passions might be inflamed for others, Rabbah said: We have it on tradition that evil inclination moves a man only towards what his eyes see.

Raba said: Is there only an inconsistency between R. Judah's two statements and not between those of the Rabbis?⁵—But, said Raba, R. Judah's two statements are not contradictory, even as we have solved the difficulty. And the Rabbis' views are also not opposed: Scripture says, *That all women may be warned and not to do after your lewdness*.⁶ but here, no greater warning is possible than this [sc. the execution].⁷ And should you say, Let us wreak both⁸ upon her, behold R. Nahman said in Rabbah b. Abbahu's name: Scripture says, *Love thy neighbour as thyself*.⁹ choose an easy death for him.¹⁰ "Passion for stoned woman"

Shall we say that R. Nahman's statement is the subject of a conflict between Tannaim?¹¹—No: all agree with R. Nahman, but they

(1) Since 'Otho' serves for one exclusion, that of clothes—it cannot serve as excluding women from that requirement, v. *supra* 43a. (2) *Sotah* 8a. (3) In connection with the procedure for a woman suspected of infidelity (*sotah*). Cf. Num-V, 11ff. (4) Hence it is R. Judah and not the Rabbis who are apprehensive that the sight of her may incite to unchaste thought. (5) For Rabbah's distinction only reconciled R. Judah's two views, but left the difficulty of the Rabbis' views untouched. (6) Ezek. XXIII, 48. The procedure with the *Sotah* therefore was only instituted as a deterrent. (7) Hence there is no need to add humiliation. (8) Humiliation and stoning. (9) Lev. XIX, 18. (10) One entailing as little humiliation as possible. (11) R. Judah and the Sages, inasmuch as the former, by requiring only partial covering of the woman and so enhancing her humiliation, does not seem to be of that opinion.

differ on the following point: One Master¹ holds that [the avoidance of] personal humiliation is far preferable to lack of bodily pain,² and the other holds the reverse.

stoning

MISHNAH. THE PLACE OF STONING WAS TWICE A MAN'S HEIGHT.³ ONE OF THE WITNESSES PUSHED HIM BY THE HIPS, [SO THAT] HE WAS OVERTURNED ON HIS HEART.⁴ HE WAS THEN TURNED ON HIS BACK. IF THAT CAUSED HIS DEATH, HE HAD FULFILLED [HIS DUTY];⁵ BUT IF NOT, THE SECOND WITNESS⁶ TOOK THE STONE⁷ AND THREW⁸ IT ON HIS CHEST. IF HE DIED THEREBY, HE⁹ HAD DONE [HIS DUTY]; BUT IF NOT, HE [THE CRIMINAL] WAS STONED BY ALL ISRAEL,¹⁰ FOR IT IS WRITTEN: THE HAND OF THE WITNESSES SHALL BE FIRST UPON HIM TO PUT HIM TO DEATH, AND AFTERWARDS THE HAND OF ALL THE PEOPLE.¹¹

GEMARA. A Tanna taught: And with his own height,¹² there were three [men's heights] in all. Yet do we really require so much height?¹³ For the following contradicts it: 'Just as a pit to be reckoned as causing death must be ten handbreadths [deep],¹⁴ so must all other [excavations] be sufficient to cause death, viz., ten

(1) I.e., the Sages. (2) Lit., 'bodily ease'. Though being clothed delays death and increases pain, yet the humiliation of nakedness is harder to bear. (3) I.e., six cubits, the normal height of man to the shoulders being three cubits. (4) To see whether the drop brought his death forthwith. [So Abraham de Botton on Maim. Yad, Sanh. XV, 1. Rashi explains: Because it is degrading (for the dead) to lie on the face, v. Tosaf. Yom. Tob. The rendering could accordingly be: One of the witnesses pushed him down on the hips. If (however) he overturned (i.e., fell) on his heart, he was turned on his back, v. Hoffmann.] (5) I.e., the witness, the obligation of execution lying primarily upon him. (6) According to the Naples ed. he himself takes etc. and only if that failed to cause death did the second witness take part. (7) The stone, because it was prepared beforehand. This was a very heavy stone, which it required two men to lift. (8) Lit., 'placed'. (9) Sc., the second witness. (10) I.e., all the bystanders. (11) Deut. XVII, 7. (12) He was pushed down from a standing position. (13) To cause instant death. (14) Cf. M. B.K. 50b.

MISHNAH. HOW IS HE HANGED?¹—THE POST IS SUNK INTO THE GROUND WITH A [CROSS-]PIECE BRANCHING OFF [AT THE TOP].² AND HE³ BRINGS HIS HANDS TOGETHER⁴ ONE OVER THE OTHER AND HANGS HIM UP [THEREBY]. JOSE SAID: THE POST IS LEANED AGAINST THE WALL,⁵ AND HE HANGS HIM UP AFTER THE FASHION OF BUTCHERS. HE IMMEDIATELY AFTERWARDS LET DOWN. IF HE LEFT [HANGING] OVER NIGHT, A NEGATIVE COMMAND IS THEREBY TRANSGRESSED, FOR IT IS WRITTEN, HIS BODY SHALL NOT REMAIN ALL NIGHT UPON THE TREE, BUT THOU SHALT SURELY BURY HIM THE SAME DAY FOR HE IS HANGED [BECAUSE OF] A CURSE AGAINST GOD,⁶—AS IF TO SAY WHY WAS HE HANGED?—BECAUSE HE CURSED THE NAME [OF GOD]; AND SO⁷ THE NAME OF HEAVEN [GOD] IS PROFANED.⁸

R. MEIR SAID:⁹ WHEN MAN SUFFERS,¹⁰ WHAT EXPRESSION DOES THE SHECHINAH¹¹ USE?—MY HEAD IS TOO HEAVY FOR ME; MY ARM IS TOO HEAVY FOR ME.¹² AND IF GOD IS SO GRIEVED OVER THE BLOOD OF THE WICKED THAT IS SHED, HOW MUCH MORE SO OVER THE BLOOD OF THE RIGHTEOUS!

Jesus Crucified See Exh. 276

(1) After being stoned. (2) This bears no resemblance at all to crucifixion. Cf. Rabbinowicz, *Législation criminelle du Talmud*, p. 111: What a difference between this hanging after death, where the executed man had both his hands tied and did not remain one minute upon the gallows, and the *Supplicium*, which the Romans inflicted upon Jesus, who was nailed to the cross whilst alive, with his hands on the cross, and left hanging on the gallows all day. (3) The first witness, Krauss, *loc. cit.* (4) [מקף, Me'iri reads סוסך.] (5) And not fixed into the ground. (6) Deut. XXI, 23. קללת אלהים is interpreted by the Mishnah as an objective genitive—'a curse against God'. (7) If his body be left hanging a considerable time, thus reminding men of his blasphemy. (8) Man's sin reflecting, in a manner of speaking, on God. (9) In interpretation of the words קללת אלהים. (10) In consequence of sin, as those are who are executed in this instance. (11) The word שכרת is omitted in most editions of the Mishnah. Where it is omitted, the definite article is added to the word שכן, and the phrase is translated, 'When man suffers, what does the tongue say?' [The tongue stands for the Divine, and some texts accordingly add here, 'If it could be said', כביכול.] (12) V. Gemara. The phrase is intended to express how painful it is to God when His children suffer, even though they may deserve punishment for their iniquities, as a father would deplore the pain of his sinful son.

she profaneth her father? If he [the father] was regarded as holy, he is now regarded as profane; if he was treated with respect, he is now treated with contempt; and men say, 'Cursed be he who begot her, cursed be he who brought her up, cursed be he from whose loins she sprung.' R. Ashi said: in accordance with whose view is a wicked man called 'the son of a wicked man', even if he is actually the son of a righteous man?—It is in accordance with this Tanna's dictum.²

THAT IS THE MANNER OF STONING.

To what does this refer?—To the statement [in a preceding Mishnah]: When the verdict [of guilty] was finally announced, he [the accused] was led out to be stoned . . .⁴ Now, the scaffolding [for stoning] was twice a man's height etc.⁵ And because the Tanna is about to teach the manner of death by fire, he sums up the foregoing with the words: THAT IS THE MANNER OF STONING etc.

Jesus

Burned
See Exh. 151, 274

MISHNAH. THE MANNER IN WHICH BURNING IS EXECUTED IS AS FOLLOWS: HE WHO HAD BEEN THUS CONDEMNED WAS LOWERED INTO DUNG UP TO HIS ARMPITS; THEN A HARD CLOTH WAS PLACED WITHIN A SOFT ONE,⁶ WOUND ROUND HIS NECK, AND THE TWO LOOSE ENDS PULLED IN OPPOSITE DIRECTIONS, FORCING HIM TO OPEN HIS MOUTH. A WICK WAS THEN LIT, AND THROWN INTO HIS MOUTH, SO THAT IT DESCENDED INTO HIS BODY AND BURNT HIS BOWELS. R. JUDAH SAID: SHOULD HE HOWEVER HAVE DIED AT THEIR HANDS [BEING STRANGLED BY THE BANDAGE BEFORE THE WICK WAS THROWN INTO HIS MOUTH, OR BEFORE IT COULD ACT], HE WOULD NOT HAVE BEEN EXECUTED BY FIRE AS PRESCRIBED. HENCE IT WAS DONE THUS: HIS MOUTH WAS FORCED OPEN WITH PINCERS AGAINST HIS WISH, THE WICK LIT AND THROWN INTO HIS MOUTH, SO THAT IT DESCENDED INTO HIS BODY AND

(1) In the sense of not holy. (2) That the father is cursed and reviled for his offspring's misdemeanours. (3) [This is Rashi's reading, found also in MS.M.; cur. edd.: What does he teach that he states?] (4) *Supra* 42b. (5) *Supra* 45a. (6) The soft one alone could not exert sufficient pressure to open his mouth; whilst a hard one alone would bruise the skin and unnecessarily disfigure him (Rashi).

[The verse], So shalt thou put away the guilt of the innocent blood from among you,¹ serves to denote that all that shed blood are likened [in treatment] to the atoning heifer:² just as there, it is done with a sword and at the neck, so here too, execution is with the sword and at the neck [i.e., the throat]. If so, just as there it was done with an axe, and on the nape of the neck, so here too?—R. Nahman answered in the name of Rabbah b. Abbuha: Scripture saith: *But thou shalt love thy neighbour as thyself*:³ choose an easy death for him.

See Exh. 174, 114 Jesus "Strangled"

MISHNAH. STRANGULATION WAS THUS PERFORMED:—THE CONDEMNED MAN WAS LOWERED INTO DUNG UP TO HIS ARMPITS, THEN A HARD CLOTH WAS PLACED WITHIN A SOFT ONE, WOUND ROUND HIS NECK, AND THE TWO ENDS PULLED IN OPPOSITE DIRECTIONS UNTIL HE WAS DEAD.

GEMARA. Our Rabbis taught: [And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death].⁴ 'The man' excludes a minor; 'that committeth adultery with another man's wife' excludes the wife of a minor; 'even he that committeth adultery with his neighbour's wife' excludes the wife of a heathen; 'shall surely be put to death', by strangulation. You say, by strangulation; but perhaps one of the other deaths decreed by the Torah is meant here?—I will answer you: Whenever the Torah decrees an unspecified death penalty, you may not interpret it stringently but leniently:⁵ this is R. Josiah's view. R. Jonathan said: Not because strangulation is the most lenient death, but because by every unspecified death in the Torah strangulation is meant. Rabbi [proceeding to demonstrate this] said: Death by God is mentioned in Scripture;⁶ and death by man is also

(1) Deut. XXI, 9. (2) Lit., 'the heifer, the neck of which is broken.' (3) Lev. XIX, 18. (4) Ibid. XX, 10. (5) Lit., 'attract it to stringency etc'. Hence strangulation, the easiest of deaths, must be meant. (6) E.g., God's slaying of Onan, Gen. XXXVIII, 10.

treated as an old one.¹ What is meant by this?—Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that.² What is the basis of their dispute?—Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect].³ But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] as with the lyings of a common.⁴

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day; [55a] [he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment.⁵

R. Nahman, son of R. Hisda stated in an exposition: In the case of a woman, there are two modes of intimacy, but in the case of a

Sodomy with children—no guilt for adult

(1) The reference is to the passive subject of sodomy. As stated *supra* 54a, guilt is incurred by the active participant even if the former be a minor, i.e., less than thirteen years old. Now, however, it is stated that within this age a distinction is drawn. (2) I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum. (3) At nine years a male attains sexual maturity. (4) Lev. XVIII, 22. Thus the point of comparison is the sexual maturity of woman, which is reached at the age of three. (5) [Rashi reads "וְ" instead of the "וְ" in our printed text. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraita. The first—a male aged nine years and a day—refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning: because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraita supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

Even as R. Hamnuna propounded: What if a Jew committed bestiality in ignorance; must there have been both a stumbling block and degradation [for the animal to be stoned] and in this case there is only degradation, but no sin; or perhaps for degradation alone without there having been a stumbling block [the animal is stoned]?¹—R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea].² If she married a priest, she may eat of *terumah*; if any unfit person has a connection with her, he disqualifies her from the priesthood.³ If any of the forbidden degrees had intercourse with her, they are executed on her account.⁶ but she is exempt.⁷ Now, 'any of the forbidden degrees' implies even a beast: in this case, there is degradation but no stumbling-block, yet it is taught that they [including a beast] are slain on her

Three year old girls, menstruating, and likened to gonorrhoea

(1) According to the latter explanation of the Mishnah, this problem is solved, whilst the first remains unanswered; but according to the first explanation, the first problem is solved, but not the second. As we cannot be certain which is correct, both so far are unsolved. (2) A man who had sexual connection with a *niddah*, defiles that upon which he lies, even if he does not actually touch it. But the degree of uncleanness it thereby acquires is not the same as that of bedding upon which a *niddah* herself, or a person afflicted with gonorrhoea, lies. For in the latter case, the defilement is so great that the bedding in turn renders any person or utensil with which it comes into contact unclean; whilst in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanness possessed by a garment which has lain upon, or been borne by a *zab* (i.e., one afflicted with issue). (3) As the law of an Israelite's (adult) daughter who married a priest. But if she was less than three years old, although the *Kiddushin* accepted on her behalf by her father is valid, yet since she is sexually immature, the marriage cannot be consummated, and hence she is not thereby enabled to eat of *terumah*. On *terumah*, the priest's portion of an Israelite's produce. v. *Glos.* (4) E.g., a heathen, *hallal*, *nashin*, or bastard. (5) I.e., if a priest's daughter, or if the daughter of a Levite or Israelite married to a priest, she may not eat of *terumah*. (6) If they are of those forbidden on pain of death; v. *supra* 53a. (7) As she is a minor. *Exh. 91, 156*

rance.¹ No! The second reason is one of stumbling-block and degradation; but the first teaches that even if there is a stumbling-block without degradation, the animal is stoned,² e.g., if a heathen committed bestiality, even as it was asked of R. Shesheth.³

"Divine name" is reserved for sorcery
Jesus "blasphemer"

MISHNAH. THE BLASPHEMER IS PUNISHED ONLY IF HE UTTERS [THE DIVINE] NAME.¹ R. JOSHUA B. KARHA SAID: [56a] THE WHOLE DAY [OF THE TRIAL] THE WITNESSES ARE EXAMINED BY MEANS OF A SUBSTITUTE FOR THE DIVINE NAME, THUS, MAY JOSE SMITE JOSE.⁴ WHEN THE TRIAL WAS FINISHED, THE ACCUSED WAS NOT EXECUTED ON THIS EVIDENCE, BUT ALL PERSONS WERE REMOVED [FROM COURT], AND THE CHIEF WITNESS WAS TOLD, 'STATE LITERALLY WHAT YOU HEARD' THEREUPON HE DID SO, [USING THE DIVINE NAME]. THE JUDGES THEN AROSE AND RENT THEIR GARMENTS, WHICH RENT WAS NOT TO BE RESEWN. THE SECOND WITNESS STATED; 'I TOO HAVE HEARD THUS' [BUT NOT UTTERING THE DIVINE NAME], AND THE THIRD SAYS: 'I TOO HEARD THUS'.

Trial of Jesus

GEMARA. It has been taught: [The blasphemer is not punished] unless he 'blesses' the Name, by the Name⁽⁵⁾ Whence do we know this?—Samuel said: The Writ sayeth, *And he that*

(1) Which solves the problem propounded by R. Hamnurah. (2) V. p. 373, *supra*. (3) I.e., the Tetragrammaton. (4) The witnesses, in giving testimony, do not state that they heard the accused say, 'May He slay himself', uttering the actual divine name, but use the word 'Jose' as a substitute for the divine name. 'Jose' is chosen as a substitute, because it contains four letters, like the actual Tetragrammaton, which must have been used by the blasphemer for him to be punished. Moreover, the numerical value of 'Jose' is the same as of *Elohim* (81). According to Levy, s.v. יֵשׁוּעַ, the first Jose יֵשׁוּעַ stands for Jesus (יֵשׁוּעַ, יֵשׁוּעַ), and the second is an abbreviation of יֵשׁוּעַ, Joseph, the Father, by which, however, God was to be understood. The witnesses were accordingly asked whether the accused in his blasphemy had set Jesus above God. (R. Joshua b. Karha, the author of this saying, lived at a time when Judeo-Christians ascribed more power to Jesus than to God.) (5) As in the Mishnah, 'Jose strike Jose'. 'Bless' is here a euphemism for curse, and is so in the whole of the ensuing discussion.

violation is not punished by death!—R. Nahman b. Isaac answered: Their prohibition is their death sentence.¹

R. Huna, Rab Judah, and all the disciples of Rab maintained: A heathen is executed for the violation of the seven Noachian laws; the Divine Law having revealed this of one [murder], it applies to all. Now is a heathen executed for robbery? Has it not been taught: 'With respect to robbery—if one stole or robbed² or [seized] a beautiful woman,³ or [committed] similar offences,⁴ if [these were perpetrated] by one Cuthean⁵ against another, [the theft, etc.] must not be kept, and likewise [the theft] of an Israelite by a Cuthean, but that of a Cuthean by an Israelite may be retained'⁶ But if robbery is a capital offence, should not the Tanna have taught: He incurs a penalty?—Because the second clause wishes to state, 'but that of a Cuthean by an Israelite may be retained,' therefore the former clause reads, '[theft of an Israelite by a Cuthean] must not be kept.'⁷ But where a penalty is incurred, it is explicitly stated, for the commencing clause teaches: 'For murder, whether of a Cuthean by a Cuthean, or of an Israelite by a Cuthean, punishment is incurred; but of a Cuthean by an Israelite, there is no death penalty'⁸—How else could that clause have been taught? Could he state, 'forbidden' . . . 'permitted'? Surely it

Murder and Theft of non-Jews allowed

(1) I.e., in speaking of heathens, when the Tanna teaches that they are forbidden to do something, he *ipso facto* teaches that it is punishable by death; for only in speaking of Jews is it necessary to distinguish between prohibition and punishment. (2) Stole (*ganab*) refers to secret stealing; robbed (*gazal*), to stealing by open violence. (3) In war, v. Deut. XXI, 10-14 — a species of robbery. [This is the only possible and correct rendering of the text, *contra* Goldschmidt. Cf. Tosef. A.Z.] (4) Acts which are not actual robbery, but partake of its nature. (5) 'Cuthean' (Samaritan) was here substituted by the censor for the original *goy* (heathen). (6) [I.e., though it is forbidden to rob the heathen (v. *Yad, Genebah* I, 2; VI, 8), the offence was non-actionable. For reason, v. B.K. (Sonc. ed.) note on Mishnah 37b.] (7) But actually it is punishable too. [This is merely a survival of old Semitic tribal law that regarded theft and robbery as a crime against the state, and consequently punishable by death. V. Müller, D.H., *Hammurabi*, 88.] (8) Thus the Tanna does refer to punishment; since then he omits a reference to punishment in the clause under discussion, it shows that the heathen is not executed for robbery. In the whole of this discussion the punishment referred to is death.

has been taught: A Cuthean and a [Jewish] shepherd of small cattle [sheep, goats, etc.]¹ need neither be rescued [from a pit] nor may they be thrown [therein]!²

'And similar acts.' To what can this apply in the case of robbery? — R. Aḥa b. Jacob answered: To a worker in a vineyard [who eats of the grapes]. When so? If his is the finishing work, it is permitted?³ If it is not the finishing work, is it not actual robbery?⁴ — But R. Papa said: This applies to [the theft of] an article worth less than a *perutah*.⁵ But if so, why say that such robbery of a Jew by a Cuthean must not be kept: does he not forgive him?⁶ — Though he later forgives him, he is grieved when it occurs [therefore it is prohibited]. But how can you say that such robbery by one Cuthean from another is but a 'similar act' [i.e., bordering on robbery]: since a Cuthean does not forgive,⁷ is it not actual theft? — But R. Aḥa, the son of R. Iḥa answered: It applies to the withholding of a labourer's wage.⁸ One Cuthean from another, or a Cuthean from an Israelite is forbidden, but an Israelite from a Cuthean is permitted.⁹ To what can 'a similar act' apply in the case of a beautiful woman?

robbing wages of non-Jew sanctioned

(1) Both are regarded as robbers, the latter because they permit their charges to graze in other people's fields. (2) One need neither exert oneself to save them from death, nor may one encompass it. This, of course, is theoretical only, v. p. 388, n. 6. Not a few of these harsh utterances (where they do not reflect the old Semetic tribal law, v. p. 388, n. 7) were the natural result of Jewish persecution by the Romans, and must be understood in that light. In actual practice, these dicta were certainly never acted upon, and it is significant that a commission of Roman officers, after investigating Jewish law in its relation to Gentiles, took exception only to two laws, one relating to the damage done by a goring ox, and the other permitting a Jew the use of property stolen from a Gentile. R. Gamaliel repealed this latter law. (B.K. 38a: Sifre Deut. 344.) Hence, reverting to the discussion, the Tanna could not have stated that the murder of a Cuthean by a Jew is permissible; therefore he is forced to speak of punishment. (3) E.g., the gathering in of the grapes. Deut. XXIII, 25 is interpreted by the Rabbis as referring to work in connection with the finishing touch given to the produce. (4) Not merely bordering thereon. (5) A small coin, one-eighth of the Roman *as*. (6) One does not mind such a trifle, and readily forgives it. (7) Even such a trifle, v. *infra* 59a. (8) This only borders on a robbery, for actual robbery means depriving a person of what he already possesses. (9) I.e., non-actionable.

free again [to others]? — R. Huna said: From the time that she goes bareheaded in the streets.¹

R. Eleazar said in R. Hanina's name: If a heathen had an unnatural connection with his wife, he incurs guilt; for it is written, *and he shall cleave*, which excludes unnatural intercourse.² Raba objected: Is there anything for which a Jew is not punishable and a heathen is? But Raba said thus: A heathen who violates his neighbour's wife unnaturally is free from punishment. Why so? — [Scripture saith:] *To his wife, but not to his neighbour's; and he shall cleave*, which excludes unnatural intercourse.⁴ X

R. Hanina said: If a heathen smites a Jew, he is worthy of death,⁵ for it is written, *And he looked this way and that way, and when he saw that there was no man, he slew the Egyptian*.⁶ R. Hanina also said: He who smites an Israelite on the jaw, is as though he had thus assaulted the Divine Presence; for it is written, *One who smiteth⁷ man* [i.e. an Israelite] *attacketh⁸ the Holy One*.⁹ *

(Mnemonic: *lifts, his servant, Sabbath*.)¹⁰ Resh Lakish said: He who lifts his hand against his neighbour, even if he did not smite him, is called a wicked man, as it is written, *And he said unto the wicked man, Wherefore wouldst thou smite thy fellow?*¹¹ 'Wherefore hast thou smitten' is not said, but *wherefore wouldst thou smite*, shewing that though he had not smitten him yet, he was termed a wicked man. Ze'iri said in R. Hanina's name: He is called a sinner, for it is

Sodomy permitted even with neighbors' wives

(1) Even non-Jewish married women did not walk bareheaded in the streets, and this bondwoman, though not legally married, would do likewise. If she appeared bareheaded, it was a sign that her connection with the slave to whom she had been allotted was now broken. (2) His wife derives no pleasure from this, and hence there is no cleaving. (3) A variant reading of this passage is: *Is there anything permitted to a Jew which is forbidden to a heathen. Unnatural connection is permitted to a Jew.* (4) By taking the two in conjunction, the latter as illustrating the former, we learn that the guilt of violating the injunction 'to his wife but not to his neighbour's wife' is incurred only for natural, but not unnatural intercourse. X (5) [By the Hand of God, v. *Yad, Melakim*, I, 6]. (6) Ex. II, 12. Thus Moses slew the Egyptian for striking an Israelite, proving that he had merited it. (7) Deriving *mokash* from *mekash*. (8) *Yels' 72*; is here derived from *lss' 77* the jaw: lit., 'smiteth the jaw'. (9) Prov. XX, 25. (10) V. p. 387 n. 8. (11) Ex. II, 13.

a positive one, yet it is reckoned?—It is both positive and negative.¹

R. Johanan said: A heathen who studies the Torah deserves death, for it is written, Moses commanded us a law for an inheritance;² it is our inheritance, not theirs.³ Then why is this not included in the Noachian laws?—On the reading *morasha* [an inheritance] he steals it; on the reading *me'orasah* [betrothed], he is guilty as one who violates a betrothed maiden, who is stoned.⁴ An objection is raised: R. Meir used to say, Whence do we know that even a heathen who studies the Torah is as a High Priest? From the verse, [Ye shall therefore keep my statutes, and my judgments:] which, if man do, he shall live in them.⁵ Priests, Levites, and Israelites are not mentioned, but *men*: hence thou mayest learn that even a heathen who studies⁶ the Torah is as a High Priest!—That refers to their own seven laws⁷

R. Hanania b. Gamaliel said: [They were also commanded] not to partake of the blood drawn from a living animal.'

Our Rabbis taught: *But flesh with the life thereof, which is the blood thereof, shall ye not eat,*⁸ this prohibits flesh cut from the living animal. R. Hanania b. Gamaliel said: It also prohibits blood drawn from a living animal. What is his reason?—He reads the verse

(1) Positive: to dispense justice; negative: to refrain from injustice. But the Sabbath is entirely positive. (2) Deut. XXXIII, 4. (3) This seems a very strong expression. In the *J. E.* (*loc. cit.*) it is suggested that R. Johanan feared the knowledge of Gentiles in matters of Jurisprudence, as they would use it against the Jews in their opponents' courts. In support of this it may be observed that the Talmud places R. Johanan's dictum (which, of course, is not to be taken literally) immediately after the passage dealing with the setting up of law courts by Gentiles. It is also possible that R. Johanan's objection was to the studying of Oral Law by Jewish Christians, as the possession of the Oral Law was held to be the distinguishing mark of the Jews. It is significant that it was R. Johanan who also said that God's covenant with Israel was only for the sake of the Oral Law. (Cf. *Ex. Rab.* 47.) (4) In *Pes.* 49b two opinions on the reading of this verse are recorded. One view is that it should be read, *Moses commanded us a law for an inheritance* (*morasha* מורשה), in accordance with the Scriptural text. Another version is, *Moses commanded us a law for a betrothal* (reading *me'orasah* מורסה = סארה, i.e., as something betrothed, consecrated to us, from מרס = ארס). On the first view, this prohibition is included in that of robbery; on the second, in that of adultery. (5) Lev. XVIII, 5. (6) Which includes observing. (7) It is meritorious for them to study these; but not laws which do not pertain to them. (8) Gen. IX, 4.

MISHNAH. [606] HE WHO ENGAGES IN IDOL-WORSHIP [IS EXECUTED]. IT IS ALL ONE WHETHER HE SERVE IT, SACRIFICE, OFFER INCENSE, MAKE LIBATIONS, PROSTRATE HIMSELF, ACCEPT IT AS A GOD, OR SAY TO IT, 'THOU ART MY GOD.' BUT HE WHO EMBRACES, KISSES IT, SWEEPS OR SPRINKLES THE GROUND BEFORE IT, WASHES IT, ANOINTS IT, CLOTHES IT, OR PUTS ON ITS SHOES, HE TRANSGRESSES A NEGATIVE PRECEPT [BUT IS NOT EXECUTED]. HE WHO VOWS OR SWEARS [LIT. CONFIRMS A THING] BY ITS NAME, VIOLATES A NEGATIVE PRECEPT. HE WHO UNCOVERS HIMSELF BEFORE BAAL-PEOR⁽¹⁾ [IS GUILTY, FOR] THIS IS THE MODE OF WORSHIPPING HIM. HE WHO CASTS A STONE ON MERCULIS⁽²⁾ THEREBY WORSHIPS IT.

Baal worship merely "ridiculed"

GEMARA. What is meant by 'WHETHER HE SERVE IT'?—

R. Jeremiah said: This is what is meant: Whether he serve it in its normal way, or sacrifice, make libations, offer incense, or prostrate himself, even if these acts are not the normal mode of worshipping that particular deity. Why is blood sprinkling not included?—Abaye said: Because sprinkling is the same as offering

Mercurius never of interest to Jews as they hated Romans

The difficulty arises, if two witnesses are sufficient, surely three are: then why state it? R. Akiba answers, To teach that just as in the case of two, if one is proved invalid, the whole testimony loses its validity (since only one witness is left), so also, even if there are three or more, and one was proved invalid, the testimony of all is valueless, though there are still two or more valid witnesses left. Now, when the Mishnah states that the third also must testify 'I too heard thus', it is in conformity with R. Akiba's ruling, so that should he be contradicted as having been absent, the entire testimony is null. Otherwise, it would be unnecessary for the third witness to be examined at all.

(1) A Moabite deity. 'That the statements of the Rabbis (on the repulsive mode of worship) are not wholly imaginative and do not take their colouring from the rites of some heathen or antinomian-Gnostic sects is shewn by the fact that the worship of Peor is ridiculed, but nowhere stigmatised as moral depravity, by the Rabbis, which latter might have been expected, had the assertion of the Rabbis been based on the Gnostic cults mentioned.' *J. E.* s.v. Baal-Peor. (2) Mercurius, a Roman divinity, identified with the Greek Hermes; also a statue or a way-mark dedicated to Hermes, the patron deity of the wayfarer. (3) Are not all the actions mentioned modes of worship?

the people which are round about you, nigh unto thee or far from thee.¹ Now, what does it matter whether they are far or near?—But the Writ means this: from the character of the near idols you can learn the nature of the distant ones.² Surely then it means that the seducer had said to the seduced: 'It eats thus, it drinks thus, it does so much good and so much harm.' This proof is conclusive.

R. Ashi said: The second Mishnah refers to a non-conforming Israelite.³ Rabina said: The two Mishnahs teach 'not-only-this-but-even-that.' **Christians are "idolators"**

It has been taught: If one engages in idolatry through love or fear [of man, but does not actually accept the divinity of the idol], Abaye said, he is liable to punishment; but Raba said, he is free from a penalty. Abaye ruled that he is liable, since he worshipped it; but Raba said that he is free: only if he accepts it as a god is he liable, but not otherwise.

(Mnemonic: 'ebed yishta'aveh lemoshiah⁵) Abaye said, how do I know it? Because we have learnt, HE WHO ENGAGES IN IDOL WORSHIP, IT IS ALL ONE WHETHER HE SERVE IT etc. Surely it means: whether he serve it through love or fear, [or whether he sacrifice to it as a god].⁶ But Raba answers **Jesus an "idol"**

(1) Ibid. 8. (2) A seducer generally seeks to entice one to worship distant idols by describing their great power, but avoids mention of the near ones, which his victims would themselves know to be powerless; therefore Scripture warns one against such enticement, by pointing out that the near (and known) idols are an object lesson for the distant ones. Scripture thus assumes that such blandishments were used. (3) Therefore his mere assertion is sufficient to condemn him, as it is certain that he will keep it. But an observant Israelite may reconsider his desire. (4) The first Mishnah states that the death penalty is imposed for engaging in idol worship; the second adds that this is so not only for actually worshipping idols but also for the mere statement of intention. Both Mishnahs will then refer to the same kind of Jew. (5) עֶבֶד יִשְׁתַּאֲוֶה לְמוֹשִׁיָּהוּ Lit. 'The servant shall bow down to the anointed one.' Three passages are adduced, whose catchwords are respectively *Service, Prostration, The Anointed One*. S. Funk (*Die Juden in Babylonien*, p. 94, n. 2) sees in this mnemonic an allusion to the Christians' acceptance of Jesus, 'the servant' being the title claimed by those who worship him as the Messiah. (6) For, as in *supra* 60b the difficulty arises, what is meant by 'whether he serve it', seeing that all other actions mentioned are forms of service. Abaye therefore proposes this solution.

you: That is not so, but as R. Jeremiah resolved the difficulty.¹

Abaye [further] said, Whence do I know it? For it has been taught: *Thou shalt not bow down thyself to them*:² thou mayest not bow down to them, but thou mayest bow down to a human being like thyself. I might think that this applies even to one who is worshipped, like Haman; but the Writ adds, *nor serve them*.³ But Haman was thus served through fear.⁴ Raba, however, explains it thus: 'like Haman,' but not altogether so. [To bow down to one] 'like Haman' [is forbidden], since he set himself up as a divinity; 'but not altogether so,' for Haman was worshipped through fear, whilst the prohibition of this verse applies only to a voluntary action.

Abaye said: Whence do I know it?—For it has been taught: [As for an anointed High Priest's⁵ [liability to a sacrifice] for [unwitting] idol-worship—Rabbi said: It holds good even if his inadvertency was in respect of the action only. But the Sages say, There must have been forgetfulness of the [principal] law itself.⁶ They agree, however, that his sacrifice is a she-goat, as that of a private individual [who committed idolatry inadvertently].⁷ They also agree that

more on Christians "idolatry"
(1) *Supra* 60b. (2) Ex. XX, 5. (3) Ibid. This phrase is superfluous, and is therefore so interpreted. (4) This proves that idolatry (which includes worshipping a human as a divinity) is forbidden even when done through fear. (5) Until the destruction of the First Temple, High Priests were consecrated by anointing (Ex. XXVIII, 41; XXX, 30; Lev. VII, 36, X, 7); and one thus consecrated was called *Kohen ha-mashiah* (the anointed priest). But during the second Temple, when no anointing took place (*Sifra Zaw*, Par. 3 ch. v.), they were consecrated by investiture in the official garments of the High Priesthood. Such a high priest was called *merubeh begadim*, i.e., distinguished by a larger number of garments (eight as against the ordinary priest's four). (6) Lit., 'the thing (in itself)'. This is in reference to Lev. IV, 2f: *If a soul shall sin through ignorance . . . If the priest that is anointed do sin . . . then let him bring for his sin . . . etc.* In Hor. 7b it is deduced that by ignorance in the case of the anointed priest is meant an inadvertence; viz., the action involving a complete forgetfulness of the prohibition on his part, as against an ordinary individual who has to bring an offering even if his inadvertency was only in regard to the action, but not to the prohibition itself. Now the Sages maintain that this applies to all sins, including idolatry. But Rabbi rules that if idolatry be committed inadvertently by the anointed Priest, though without forgetting that it is forbidden, he is still obliged to offer a sacrifice like an ordinary individual. (7) I.e., though in Lev. IV, 3, a young bullock is prescribed as the sacrifice for an anointed Priest's inadvertent sin,

Rab Judah said in Rab's name: *And the men of Babylon made Succoth-benoth*:¹ What is this?—A fowl.² *And the men of Cuth made Nergal*:³ What is it?—A cock. *And the men of Hamath made Ashima*:⁴ What is that?—A bald buck. *And the Avites made Nibhaz and Tartak*:⁵ What are these?—A dog and an ass. *And the Sepharvites burnt their children in fire to Adrammelech and Anammelech, the gods of Sepharvaim*:⁶ What are these?—The mule and the horse: *Adrammelech* meaning that it [the mule] honours its master⁷ [lit., 'king'] with its load;⁸ *Anammellech* meaning that the horse responds to its master in battle.⁹ The father of Hezekiah King of Judah wished to do likewise to him [i.e., burn him in fire], but that his mother anointed him [with the blood of the] salamander⁽¹⁰⁾

Rab Judah said in Rab's name: The Israelites knew that the idols were nonentities, but they engaged in idolatry only that they might openly satisfy their incestuous lusts. R. Mesharshia objected: *As those who remember their children, so they longed for their altars, and their graves by the green trees etc.*¹¹ which R. Eleazar interpreted: As one who yearns for his son [so they yearned]?¹²—That was after they became addicted thereto.¹³ Come and hear: *And I will cast your carcasses upon the carcasses of your idols*.¹⁴ It was related of Elijah the Righteous, that whilst searching for those who were languishing with hunger in Jerusalem, he once found a child faint with hunger lying upon a dungheap. On questioning him as to the family to which he belonged, he replied, 'I belong to such and such a family.'

burning children to demons

(1) II Kings XVII, 30. This and the following verses refer to the idols set up by the heathens with whom Sannacherib repopulated Samaria after its inhabitants were deported. (2) They worshipped the image of a fowl, called in their language *Succoth-benoth*. (3) Ibid. (4) Ibid. (5) Ibid. 3. [Our printed Talmud texts read *Nibhan*. נבה = 'to bark' (instead of *Nibhaz*), hence taken to be a dog.] (6) Ibid. (7) *Adar*, Heb. *hadar* הדר = 'to honour', and *melech* (melek) = king, master. (8) [i.e., the mule honours its master by carrying his load.] (9) *Ana*, Heb. אנא = 'to respond.' (10) A reptile believed to be engendered in fire. One who smeared himself with its blood was thought to be fire-proof. Hag. 27a. (11) Jer. XVII, 2. (12) This shows that they really believed in idols. (13) I.e., at first, it was only a pretext to satisfy their lust. But having engaged in idolatry, they were ensnared by its allurements and really believed in it. (14) Lev. XXVI, 30.

thereof.¹ Then they said, 'Since the time is propitious, let us pray that the Tempter of Sin [may likewise be delivered into our hands].'² So they prayed, and it was delivered into their hands. They imprisoned it for three days; after that they sought a new laid egg for an invalid in the whole of Palestine and could not find one.³ Then they said, 'What shall we do? Shall we pray that his power be but partially destroyed?'⁴ Heaven will not grant it.' So they blinded it with rouge. This was so far effective that one does not lust for his forbidden relations. *Baal worship*

Rab Judah said in Rab's name: A gentile woman once fell sick. She vowed, 'If I recover, I will go and serve every idol in the world.' She recovered, and proceeded to serve all idols. On reaching Peor, she asked its priests, 'How is this worshipped?' They replied, 'People eat beets, drink strong drink, and then uncover themselves before it.' She replied, 'I would rather fall sick again than serve an idol in such a manner.' But ye, O House of Israel,⁴ were not so, [as it is written, *Slay ye every one his men that were joined unto Baal Peor*:⁵ ye were attached to it like an air-tight lid.⁶ Whereas, *Whilst ye that did cleave unto the Lord your God*,⁷ implies merely like two dates sticking to each other.⁸ In a Baraita it has been taught: *that were joined unto Baal Peor*: [loosely] like a bracelet on the hands of a woman;⁹ whereas *Whilst ye that did cleave unto the Lord your God* indicates that they were firmly attached.¹⁰

Our Rabbis taught: Sabta, a townsman of Avlas,¹¹ once hired an ass to a gentile woman. When she came to Peor, she said to him, 'Wait till I enter and come out again.' On her issuing, he said to her, 'Now do you wait for me too until I go in and come out again.'

(1) Zech. V. 8. (2) Through the imprisonment of the Tempter sexual lust was dormant throughout creation. (3) Lit., 'half and half'. That it may arouse only legitimate sexual desire. (4) This is Rab's comment. (5) Num. XXV, 5. (6) This connects the Heb. הַנִּזְמָדִים *hanizmadim*, who cleaved, with *zamid*, צָמַד, an exactly fitting lid. (7) Deut. IV, 4. (8) דָּבַק, הִדְבַּקוּם *dabak*, used in this verse, does not imply so strong an attachment as *zamad*; thus they clung more fervently to Peor than to the Lord. (9) Deriving *hanizmadim* from *zamid*, a bracelet. (10) This reverses Rab's interpretation. (11) In Cilicia, mentioned as one of the northern border places of the Land of Israel; Targum Jerus. Num. XXIV, 8; Targum Jonathan b. Uzziel a. l. (Jast.).

'But,' said she, 'are you not a Jew?' He replied, 'What does it concern thee?' He then entered, uncovered himself before it, and wiped himself on the idol's nose, whilst the acolytes praised him, saying, 'No man has ever served this idol thus.'

He that uncovers himself before Baal Peor thereby serves it, even if his intention was to degrade it. He who casts a stone at Mercuris thereby serves it, even if his intention was to bruise it.

R. Manasseh was going to Be Toratha.¹ On the way he was told, 'An idol stands here.' He took up a stone and threw it at the idol's statue. Thereupon they said to him: 'It is Mercuris'. He said to them, 'But we have learned, HE WHO CASTS A STONE FOR MERCULIS² THEREBY SERVES IT.' So he went and inquired at the Beth Hamidrash [whether he had done wrong, since his action was a gesture of contempt]. They informed him, We have learned, HE WHO CASTS A STONE AT MERCULIS³ [thereby serves it]—that is to say even if it is merely to bruise it. He said to them, 'Then I will go and remove it.' But they replied, 'Whether one casts a stone or removes it, he incurs guilt, because every stone thus removed leaves room for another.'

Burning children to demon Molech allowed

MISHNAH. HE WHO GIVES OF HIS SEED TO MOLECH INCURS NO PUNISHMENT UNLESS HE DELIVERS IT TO MOLECH AND CAUSES IT TO PASS THROUGH THE FIRE. IF HE GAVE IT TO MOLECH BUT DID NOT CAUSE IT TO PASS THROUGH THE FIRE, OR THE REVERSE, HE INCURS NO PENALTY, UNLESS HE DOES BOTH.

GEMARA. The Mishnah⁴ teaches idolatry and giving to Molech.⁵ R. Abin said: Our Mishnah is in accordance with the

(1) A town in Babylonia, on the road to Pumbeditha, 'A.Z. 26a. It may perhaps be identified with Bithra, on the south of the royal canal, on the Seleucian road (A. Neubauer, *Géographie du Talmud*, p. 363). (2) לְמִרְקוּלִים i.e., as act of worship. (3) [He was told that the reading in the Mishnah is בְּמִרְקוּלִית אֶת מֵרְקוּלִים, implying even as a gesture of contempt.] (4) On 53a. (5) As two perpetrator offences, proving that giving one's seed to Molech is not idolatry.

view that Molech worship is not idolatry. For it has been taught, [if one causes his seed to pass through the fire,] whether to Molech or to any other idol, he is liable [to death]. R. Eleazar son of R. Simeon said: If to Molech, he is liable; if to another idol, he is not.

Abaye said: R. Eleazar son of R. Simeon and R. Hanina b. Antigonus said the one and same thing. R. Eleazar son of R. Simeon, that which has just been stated. R. Hanina b. Antigonus—as it has been taught: R. Hanina b. Antigonus said: Why did the Torah employ the word Molech? To teach that the same law applies to whatever they proclaimed as their king, even a pebble or a splinter.¹ Rabina² said: The difference between them is in respect of a temporary Molech.³ *more hairsplitting*

[64b] R. Jannai said: Punishment is not incurred unless one delivers his seed to the acolytes of Molech (for it is said, *And thou shalt not give of thy seed to pass through the fire to Molech.*) It has been taught likewise: I might think, that if one caused his seed to pass through the fire to Molech, without first delivering it to the priests, he is liable: therefore the Writ teaches, *Thou shalt not give*. If he gave it to the priests, but did not cause it to pass through the fire, I might think that he is liable: therefore the Writ states, *to pass through*. If one delivered it [to the priests of Molech], but caused it to pass through to some other deity, I might think that he is punished: therefore the Writ teaches, *to Molech*. Now, if he delivered it to the priests and caused it to pass to Molech, but not through the fire, I might think that he is liable:

The difference is, that if one sacrificed to Molech, or caused his son to pass through the fire to some other deity, he is not punished.

(1) Molech is connected with the idea of kingship. This shews that he too regards any fetish as a Molech. (2) In his view they did not say the one and the same thing. (3) I.e., anything which was only temporarily worshipped as Molech, such as a pebble, which would obviously not be a permanent idol.] According to R. Hanina b. Antigonus, he is executed even then. But R. Eleazar son of R. Simeon holds that the law applies only to a permanent idol worshipped as Molech. (4) He explains this to be the meaning of the Mishnah UNLESS HE GIVES IT TO MOLECH. (5) Lev. XVIII, 21. This proves that the offence consists of two parts: (i) formal delivery to the priests, and (ii) causing the seed to pass through the fire.

but, as here is written, *to pass through*; and elsewhere it is stated, *There shall not be found among you any one that maketh his son or his daughter to pass through the fire*:¹ just as there, the reference is to fire, so here too; and just as here the reference is to Molech, so there too.

R. Aha the son of Raba said: If one caused all his seed to pass through [the fire] to Molech, he is exempt from punishment, because it is written, of thy seed implying, but not all thy seed.² *To permit the forbidden*

R. Ashi propounded: What if one caused his blind or sleeping son to pass through,³ or if he caused his grandson by his son or daughter to pass through?—One at least of these you may solve. For it has been taught: [*Any men . . . that giveth any of his seed unto Molech; he shall be put to death . . . And I will set my face against that man, and will cut him off from among his people;*] because he hath given of his seed unto Molech.⁴ Why is this stated?⁵—Because it is said, *there shall not be found among you any one that maketh his son or his daughter to pass through the fire*.⁶ From this I know it only of his son or daughter. Whence do I know that it applies to his son's son or daughter's son too? From the verse, [*And if the people of the land do any ways hide their eyes from the man*] when he giveth of his seed unto Molech [*and kill him not: Then I will . . . cut him off.*]⁷

Now the Tanna commences with the verse, '*because he hath given of his seed*', but concludes with '*when he giveth of his seed*'?—This is to intimate another deduction.⁸ Thus: [*because he hath given*] of his seed: From this I know only that the law applies to legitimate seed [that being the normal meaning of the word]; whence do I know

(1) Deut. XVIII, 10. (2) Probably because this would not be accounted a normal mode of Molech worship; cp. pp. 438, 440. (3) Is 'thou shalt not cause to pass' applicable only to a son who can naturally pass through himself, but not to a blind or sleeping son, who must be led or carried, or does it apply to all? (4) Lev. XX, 2f. (5) Since the passage commences by explicitly referring to this offence, why is it repeated? (6) Deut. XVIII, 10. (7) Lev. XX, 4. Hence the law applies also to grandsons. (8) I.e., from the first verse, *because etc.* we learn that the law applies to one's grandsons too; *when he giveth* is stated in order that another law may be deduced.

that one's own loss has priority over that of any other man?¹—There the deduction follows from '*save that*'.²

R. Jose, son of R. Hanina said: Why is extinction thrice threatened for idolatry?³—One teaches extinction for the normal worship of idols; one for abnormal; and one for the service of Molech.⁴ But on the view that Molech worship is included in general idolatry, why is extinction mentioned in its case?—To apply to one who causes his son to pass through to an idol [not Molech], where such is not the normal mode of worship. Now, on the view that a *megaddef*⁵ is a worshipper of idols,⁶ why is extinction stated for it?⁶—Even as it has been taught: *That soul shall surely be cut off from among his people*;⁸ he shall be cut off in this world and in the next: this is R. Akiba's view.⁹ R. Ishmael said: But the verse has previously stated '*that soul shall be cut off*':¹⁰ are there then three worlds?¹¹ But [interpret thus:] '*and [that soul] shall be cut off*'—in this world: '*he is to be cut off*'—[of the following verse, and denoted by

(1) The questioner understood this to be deduced from '*among thee*'—in thyself. Since this is not taught in the name of any particular Tanna, it should agree with the Rabbis too. (2) Heb. *פסע* *efes*, implying an admonition to avoid any action which may lead to poverty. Naturally, this is not to be interpreted as permitting dishonesty, but merely insists that poverty must not be courted. (3) Twice in Lev. XX, 2-5: *Whosoever be he . . . that giveth of his seed to Molech . . . I will cut him off from among his people . . . And if the people of the land . . . kill him not: Then I will set my face against that man . . . and will cut him off.* Once in Num. XV, 30f. *But the soul that doeth aught presumptuously . . . the same reproacheth the Lord; and that soul shall be cut off from among his people. Because he hath despised the word of the Lord. This refers to idolatry.* (4) Which is not included in general idolatry, as stated above. (5) In Num. XV, 30, the Heb. for '*he reproacheth*' is *megaddef*. (6) The meaning of *megaddef* is disputed in Ker. 7b. By a 'worshipper of idols' is meant, e.g., one who sings hymns in a heathen Temple. (7) Since, being a normal part of idolatry, it is understood. (8) Num. XV, 31. Continuing the verses quoted in note 3. In the Heb. as usual, this emphasis is denoted by the repetition of the verb, *הָקִיף הָקִיף*. (9) He interprets the doubling of the verb as referring to two worlds. (10) Ibid. 30. (11) Rashi explains that this question is not put to R. Akiba, because he interprets *megaddef* in that previous verse as referring to blasphemy, not idolatry. But this question is rhetorically stated by R. Ishmael on his own assumption that *megaddef* means an idol worshipper.

burns incense as a charm.¹ Abaye said to him: But burning incense as a charm is to act as a charmer, which is merely prohibited by a negative precept?—That is so, but the Torah decreed that such a charmer is stoned.² *demon invocation okay*

Our Rabbis taught: [There shall not be found among you any one that maketh his son or daughter pass through to the fire . . .] Or a charmer.³ This applies to one who charms large objects, and to one who charms small ones. Even snakes and scorpions. Abaye said: Therefore even to imprison wasps or scorpions [by charms], though the intention is to prevent them from doing harm, is forbidden.

Now, as for R. Johanan, why does he maintain that in the view of the Rabbis the bending of one's body [in prostration] is an action, whilst the movement of the lips is not?—Raba said: Blasphemy is different, since the offence lies in the intention.⁴ [65b] R. Zera objected: False witnesses⁶ are excluded [from the necessity of a sin offering if they unwittingly offended], since their offence entails no action.⁷ But why so; their offence does not depend on intention?—Raba answered: False witnesses are different, because their offence is caused by sound.⁸ But does not R. Johanan regard sound as a [concrete] action? Has it not been stated: If one frightened [lit. 'muzzled'] off an animal by his voice, or drove animals by his voice,⁹ R. Johanan ruled that he is liable to punishment.

*blasphemy **

(1) To exorcise the demons (Jast.). Rashi reverses the interpretation: to call up the demons, that they may assist him in his sorcery. This is not idolatry, for the demons are not thereby worshipped as divinities, but it comes under the heading of *Ba'al ob*. (2) Consequently, for unwitting transgression a sin offering is due. But the charmer who is punished by lashes is one who charms animals by bringing them together. (3) Deut. XVIII, 10f. (4) Large objects, viz., cattle, and beasts; small objects, creeping things, insects, etc. (5) For blasphemy is an indictable offence only if it is mentally directed against God. If however, one reviles the Divine Name, whilst mentally employing it to denote some other object, he is not punished. Consequently, since the essence of the offence is mental, the slight action is disregarded. (6) Lit., 'witnesses proved *zonemim*', v. Glos. (7) Ker. 4a. (8) Causing certain sounds, i.e., words, to be heard at Beth din. Since sound too is not concrete, false testimony is comparable to blasphemy, and the essence of the transgression lies in intention. (9) The first refers to Deut. XXV, 4: *Thou shalt not muzzle the ox when he treadeth out the corn*; the second to Deut. XXII, 10, *Thou shalt not plough with an ox and an ass together*.

because the movement of his lips is an action; Resh Lakish ruled that he is not, because this is not an action?¹—But Raba answered thus: False witnesses are different, because their offence is caused through vision.² *more demonology*

Our Rabbis taught: A *Ba'al ob* is one who speaks from between the joints of his body and his elbow joints. A *yidde'oni* is one who places the bone of a *yidoe'* in his mouth and it speaks of itself. An objection is raised: *And thy voice shall be, as of one that hath a familiar spirit, out of the ground*:⁴ surely that means that it speaks naturally?⁵—No. It ascends and seats itself between his joints and speaks. Come and hear: *And the woman said unto Saul, I saw a god-like form ascending out of the earth*: [And Samuel said to Saul . . .]⁶ surely that means that it spoke naturally?—No. It settled itself between her joints and spoke.

Our Rabbis taught: *Ba'al ob* denotes both him who conjures up the dead by means of soothsaying⁷ and one who consults a skull. What is the difference between them?—The dead conjured up by soothsaying does not ascend naturally [but feet first], nor on the Sabbath; whilst if consulted by its skull it ascends naturally and on the Sabbath too. [You say,] it ascends: but whither—does not the skull lie before him?—But say thus: It answers naturally,⁸ and on the Sabbath too. And this question was asked by Turnusrufus⁹ of R. Akiba: 'Wherein does this day [the Sabbath] differ from any other?'—He replied: 'Wherein does one man differ from another?'¹⁰—'Because my Lord [the Emperor] wishes it.' 'The Sabbath too,' R. Akiba rejoined, 'then, is distinguished because the Lord wishes so.' He replied: 'I ask this: Who tells you that this day is the Sabbath?'—He answered: 'Let the river Sabbath'¹¹

Membrum

(1) Hence we see that R. Johanan considers voice an action? (2) I.e., they offend by saying that they saw something; and sight does not entail work or action. (3) Rashi, the name of a beast; Maim., the name of a bird. (4) Isa. XXIX, 4. (5) I.e., the dead actually speaking out of the ground. (6) I Sam. XXVIII, 13. (7) זכור, from Syriac זכר, 'to divine'. Rashi connects it with זכור, 'membrum'. (8) I.e., not from between the necromancer's joints. (9) Tineius Rufus, a Roman Governor of Judaea. (10) 'Why is one a noble and one a commoner?'—referring to the high office which Rufus held. (11) A legendary river, said to flow with such a strong current on week days, carrying

prove it; let the *Ba'al ob* prove it;¹ let thy father's grave, whence no smoke ascends on the Sabbath,² prove it.' He said to him: 'You have shamed, disgraced, and reviled him [by this proof].'

He who enquireth of an *ob*—is that not the same as 'one that consulteth the dead?'³—As has been taught: *Or that consulteth the dead*: this means one who starves himself and spends the night in a cemetery, so that an unclean spirit [of a demon] may rest upon him [to enable him to foretell the future]. And when R. Akiba reached this verse, he wept: If one who starves himself that an unclean spirit may rest upon him has his wish granted, he who fasts that the pure spirit [the Divine Presence] may rest upon him—how much more should his desire be fulfilled! But alas!⁴ our sins have driven it away from us, as it is written, *But your iniquities have separated between you and your God.*⁶ **Claiming The**

Raba said: If the righteous desired it, they could [by living a life of absolute purity] be creators, for it is written, *But your iniquities have distinguished between etc.*⁷ Rabbah created a man,⁸ and sent him to R. Zera. R. Zera spoke to him, but received no answer. Thereupon he said unto him: 'Thou art a creature of the magicians. Return to thy dust.' **power of creation**

R. Hanina and R. Oshaia spent every Sabbath eve in studying the 'Book of Creation',⁹ by means of which they created a third-grown calf¹⁰ (for note 10 see p. 447) and ate it.

along stones and rubble with tremendous force, as to be quite unnavigable, but resting on the Sabbath. [Cf. Plinius, *Hist. Nat.* XXI, 2, and Josephus, *Wars*, VII, 5, § 1].

(1) Who cannot conjure up the dead on that day. (2) The whole week smoke ascended from his grave, as he was being burnt in the fires of purgatory: but even the wicked in Gehenna have rest from their torments on the Sabbath. (3) Deut. XVIII, 11. (4) Lit., 'What am I to do'. (5) Lit., 'have brought (this) upon us'. (6) Isa. LIX, 2. (7) Ibid. Raba understands *mabadilim* in the sense of 'draw a distinction'. But for their iniquities, their power would equal God's, and they could create a world. (8) By means of the *Sefer Yezirah*, Book of Creation, V. next note. (9) The Book of Creation, Heb. *Sefer Yezirah*, is the title of two esoteric books. The older, referred to here, was a thaumaturgical work popular in the Talmudic period. It was also known as *Hilkoth Yezirah* (Laws of Creation), and is so called in the same story quoted on 67b. Rashi there states that the creation was performed by means of mystic combinations

Our Rabbis taught: *Me'onen*¹—R. Simeon said: That is one who applies the semen of seven male species to his eyes [in order to perform witchcraft]. The Sages say: It is one who holds people's eyes.² R. Akiba said: It is one who calculates the times and hours, saying, To-day is propitious for setting forth; to-morrow for making purchases; the wheat ripening on the eve of the seventh year³ is generally sound; let the beans be pulled up [instead of being harvested in the usual manner] to save them from becoming wormy.

Our Rabbis taught: *A Menahesh*⁴ is one who says: So and so's bread has fallen out of his hand; his staff has fallen out of his hand; his son called after him; a raven screamed after him, a deer has crossed his path; a serpent came at his right hand or a fox at his left;⁵ [66a] do not commence with me;⁶ it is morning; it is new moon; it is the conclusion of the Sabbath.⁷

Letter-combination "creation"
of the Divine Name, which does not come under the ban of witchcraft. Its basic idea is that the Creation was accomplished by means of the power inherent in these letters (Cf. Rab's saying: 'Bezalel knew how to combine the letters by which heaven and earth were created'. Ber. 55a. Cf. also Enoch LXI, 3 et seq.; Prayer of Manasseh; Ecc. R. III, 11 on the magic power of the letters of the Divine Name), and that this same power could be utilised in further creation. The work was ascribed to Abraham, which fact indicates an old tradition, and the possible antiquity of the book itself. It has affinities with Babylonian, Egyptian, and Hellenic mysticism and its origin has been placed in the second century B.C.E., when such a combination of influences might be expected. It is noteworthy that Raba's statement above, though not mentioning the *Sefer Yezirah*, insists on freedom from sin as a prerequisite of creation by man, v. J.E., XII, 602. (10) [i.e., a calf that has reached one third of its full growth; others interpret: (i) in its third year; (ii) third born, fat]. **Denying power of God**

(1) *Observer of times*, Deut. XVIII, 10. (2) *Producing hallucinations in people* by opening and shutting their eyes (Rashi). (3) Time was calculated by seven-year cycles. The seventh year was called the year of release, and the land was not to be ploughed or sown therein. Lev. XXV, 1-7. (4) *An enchanter*, Deut. XVIII, 10. (5) All these omens were regarded by the superstitious as generally bad. (6) i.e., if a tax-collector comes to him, he asks him to collect first from someone else, as it is a bad omen to be the first to pay taxes. (7) He declines to pay his debts on these occasions, regarding it as a bad omen to start the week or day or month by paying debts. — All these superstitions are forbidden under the term *menahesh*.

X Our Rabbis taught: *Ye shall not use enchantments nor observe times.*¹
 This refers to those who practise enchantment by means of weasels,
 birds, and fish.² *prohibiting what no one
 wants to do and allowing evil
 practices forbidden by Bible*

MISHNAH. HE WHO DESECRATES THE SABBATH [IS
 STONED], PROVIDING THAT IT IS AN OFFENCE PUNISHED BY
 EXTINCTION IF DELIBERATE, AND BY A SIN-OFFERING IF UN-
 WITTING.

GEMARA. This proves that there is a manner of desecrating
 the Sabbath for the deliberate committal of which there is no
 extinction, nor is a sin offering to be brought for its unwitting trans-
 gression. What is it?—The law of boundaries, according to R.
 Akiba,³ and kindling a fire, according to R. Jose.⁴

Cursing parents

MISHNAH. ONE WHO CURSES HIS FATHER OR HIS MOTHER
 IS NOT PUNISHED UNLESS HE CURSES THEM BY THE DIVINE
 NAME. IF HE CURSED THEM BY AN ATTRIBUTE⁵ R. MEIR HELD
 HIM LIABLE, BUT THE SAGES RULED THAT HE IS EXEMPT.

"Divine name" used for magic only
 GEMARA. Who is meant here by the Sages?⁶—R. Menahem, son
 of R. Jose. For it has been taught: R. Menahem, son of R. Jose said,
*When he blasphemeth the name of the Lord, he shall be put to death.*⁷
 Why is 'the name' mentioned?⁸ To teach that he who curses his

Sabbath distance

(1) Lev. XIX, 26. (2) *Var. lec.*: 'and stars'. (3) According to Biblical law,
 as deduced by the Rabbis, one was not to go more than 12 mil (2 mil = 1,000
 cubits) beyond the town boundaries on the Sabbath (the Rabbis reduced this
 to 2,000 cubits). R. Akiba maintained that if this law was violated the offender
 was liable neither to extinction nor to a sin offering. (4) V. *supra* 62a. (5) E.g.,
 The Merciful, the Gracious, the Almighty. (6) This anonymous term did not
 necessarily represent the view of many Sages; it frequently connoted a single
 scholar. (7) Lev. XXIV, 16. (8) Since the beginning of the same verse ex-
 plicitly states that the reference is to the Name: *And he that blasphemeth the Name
 of the Lord shall surely be put to death.*

these too are stoned, not strangled]. Hence, the first clause is taught
 according to R. Simeon; the second according to the Rabbis!—
 Rabina said: Both clauses are based on the Rabbis' ruling, but
 proceed from the universally admitted to the disputed.¹ R. Papa
 said: When the Mishnah states *A MESITH IS A HEDYOT*² it is only
 in respect of hiding witnesses.³ For it has been taught: And for
 all others for whom the Torah decrees death, witnesses are not
 hidden, excepting for this one. How is it done?—A light is lit in
 an inner chamber, the witnesses are hidden in an outer one [which
 is in darkness], so that they can see and hear him,⁴ but he cannot
 see them. Then the person he wished to seduce says to him, 'Tell
 me privately what thou hast proposed to me'; and he does so.
 Then he remonstrates; 'But how shall we forsake our God
 in Heaven, and serve idols'? If he retracts, it is well. But if he
 answers: 'It is our duty and seemly for us', the witnesses who
 were listening outside bring him to the Beth din, and have him
 stoned⁵ *Christ the "ignoble seducer"*
See Exh. 277-8

(1) Lit., 'not only this, but that also.' When the Mishnah states, [HE] WHO
 SEDUCES AN INDIVIDUAL, it is not intended to exclude a multitude, but merely
 to commence with the universally agreed law. Then the next Mishnah adds
 that the same applies to the seduction of a multitude, though this is not admit-
 ted by all. (2) *מְסִית, idōtīc*, rendered in Mishnah, 'LAYMAN', also means
 ignorant, ignoble. (3) I.e., *hedyot* is not used in the sense of a layman as op-
 posed to a prophet, but in the sense of ignoble; so dastardly in his action,
 that he is not shewn the same consideration as other malefactors, but hidden
 witnesses are set to entrap him. There is no dispute between Rabina and
 R. Papa, both teaching that the two clauses agree with the Rabbis; but Rabina
 explains the phrase, 'HE WHO SEDUCES AN INDIVIDUAL', whilst R. Papa deals
 with 'A MESITH IS A HEDYOT'. (4) Otherwise, they could not testify. (5) In
 the uncensored editions of the Talmud there follows this important passage
 (supplied from D.S. on the authority of the Munich and Oxford Mss. and the
 older editions): 'And thus they did to Ben Stada in Lydda (לִיִּדָּה), and they
 hung him on the eve of Passover, Ben Stada was Ben Padira. R. Hisda said:
 The husband was Stada, the paramour Padira. But was not the husband
 Pappos b. Judah?—His mother's name was Stada. But his mother was Miriam,
 a dresser of woman's hair? (מִרְיָם מְבַרְבֵּרֶת נִשְׁתָּהֵיִת):—As they say in Pumi-
 baditha, This woman has turned away (יָצְתָה דֵּה) from her husband, (i.e., com-
 mitted adultery). T. Herford, in 'Christianity in the Talmud', pp. 37 seqq. 344
 seqq., identifies this Ben Stada with Jesus of Nazareth. As to the meaning of

MISHNAH. A MADDIAH IS ONE WHO SAYS, 'LET US GO AND SERVE IDOLS'. A SORCERER, IF HE ACTUALLY PERFORMS MAGIC, IS LIABLE [TO DEATH], BUT NOT IF HE MERELY CREATES ILLUSIONS.¹ R. AKIBA SAID IN R. JOSHUA'S NAME: OF TWO WHO GATHER CUCUMBERS [BY MAGIC] ONE MAY BE PUNISHED AND THE OTHER EXEMPT: HE WHO REALLY GATHERS THEM IS PUNISHED; WHILST HE WHO PRODUCES AN ILLUSION IS EXEMPT. (Christians)

Jesus a "sorcerer" and "idolator"
GEMARA. Rab Judah said in Rab's name: This Mishnah teaches of those who lead astray a seduced city.²

A SORCERER, IF HE ACTUALLY PERFORMS MAGIC etc:

Our Rabbis taught: [Thou shalt not suffer] a witch [to live]:³ this applies to both man and woman. If so, why is a [female] witch stated?—Because mostly women engage in witchcraft. How are they executed?—R. Jose the Galilean said: Here it is written, *Thou shalt not suffer a witch to live*; whilst elsewhere is written, *Thou shalt not suffer anything that breatheth to live*.⁴ Just as there, the sword is meant, so here is the sword meant too. R. Akiba said: It is here stated, *Thou shalt not suffer a witch to live*; whilst elsewhere it is said, [There shall not a hand touch it, but he shall surely be stoned, or shot

X See Exh. 277, 279

the name, he connects it with 'ἀναστατος' 'seditious', and suggests (p. 345 n. 1) that it originally denoted 'that Egyptian' (Acts XXI 38; Josephus, *Ant.* XX, 8, 6) who claimed to be a prophet and led his followers to the Mount of Olives, where he was routed by the Procurator Felix, and that in later times he might have been confused with Jeshua ha-Notzri. This hypothesis, however, involves the disregard of the Talmudic data, for Pappos b. Judah lived a century after Jesus (Git. 90a), though the mother's name, Miriam (Mary), would raise no difficulty, as מגדל נשיא megaddla neshayia may be the result of a confusion with Mary Magdalene (v. also Box, *The Virgin Birth of Jesus*, pp. 201f, for other possible meanings of Ben Stada and Ben Pandira). Derenbourg (*Essai* note 9, pp. 468—471) rightly denies the identity of Ben Stada with Jesus, and regards him simply as a false prophet executed during the second century at Lydda. X covering up here X Lies

(1) I.e., the illusion of doing something, whereas in fact he does nothing. (2) Cf. *supra* 53a. (3) Ex. XXII, 17. (4) Deut. XX, 17. This refers to the war of extermination against the seven races inhabiting Canaan before the Conquest by Joshua. They would naturally be killed by the sword.

out for the same purpose illumine the proposition as a whole.¹

R. Johanan said: Why are they [sorcerers] called *Kashshafim*?²—Because they lessen the power of the Divine agencies.³

There is none else besides Him:⁴ R. Hanina said: Even by sorcery.⁵ A woman once attempted to take earth from under R. Hanina's feet.⁶ He said to her, 'If you succeed in your attempts, go and practise it [sc. sorcery]: it is written, however, *There is none else beside him*'. But that is not so, for did not R. Johanan say: Why are they called *mekashshafim*?⁷ Because they lessen the power of the Divine agencies?—R. Hanina was in a different category, owing to his abundant merit.⁸ (demonology)

R. Aibu b. Nagri said in the name of R. Hiyya b. Abba: *Belatehem* refers to magic through the agency of demons; *belahatehem* to sorcery [without outside help].⁹ And thus it is also said, *And the flame* [Heb. *lahaf*] *of the sword that turns of itself*.¹⁰

Abaye said: The sorcerer who insists on exact paraphernalia¹¹ works through demons; he who does not works by pure enchantment.

Abaye said: The laws of sorcerers are like those of the Sabbath: certain actions are punished by stoning, some are exempt from punishment, yet forbidden, whilst others are entirely permitted. Thus: if one actually performs magic, he is stoned; if he merely creates an illusion, he is exempt, yet it is forbidden; whilst what is

(1) R. Judah does not agree with the limitation expressed above, and it is precisely from this verse that he deduces that even two statements may be singled out to convey a teaching for the whole; v. Kid. 35a. (2) כַּשְּׁשָׁפִים (1) I.e., making incantations of death against those for whom Heaven has decreed life (Rashi); and in general seeking to interfere with the course of events as decreed from above. The word is treated as an abbreviation, thus *KeshaFim*, *Kashash*, *Famalia*, *Ma'alalah*. (Lessens [the] Family on High). (4) Deut. IV, 35. (5) I.e., not even sorcerers have power to oppose His decree. (6) To perform magic against him. (7) כַּשְּׁשָׁפִים Hebrew form of *Kashshafim*. (8) Therefore God would certainly not permit any sorcerer to harm him. (9) In the references to Pharaoh's magicians, two words are employed to denote their art: *belatehem*, (בְּלִטְיָהֶם) e.g., Ex. VII, 22 (with their enchantments); and *belahatehem* (בְּלֹחֲשֵׁיהֶם) v. לֹחֵם Ex. VII, 11. (10) Gen. III, 24, thus *lahaf* is referred to an action taking place of itself; similarly, *belahatehem* connotes sorcery performed without extraneous aid. (11) Demanding particular properties for different kinds of magic.

entirely permitted?—Such as was performed by R. Hanina and R. Oshaia, who spent every Sabbath eve in studying the Laws of Creation, by means of which they created a third-grown calf and ate it.¹ *Creation by sorcery*—

R. Ashi said: I saw Karna's father² blow his nose violently and streamers of silk issued from his nostrils.

Then the magicians said unto Pharaoh, *This is the finger of God*:³ R. Eleazar, said: This proves that a magician cannot produce a creature less than a barley corn in size. R. Papa said: By God! he cannot produce even something as large as a camel; but these [larger than a barley corn] he can [magically] collect [and so produce the illusion that he has magically created them]; the others he cannot. *Satanic claims*.

Rab said to R. Hiyya: 'I myself saw an Arabian traveller take a sword and cut up a camel; then he rang a bell, at which the camel arose.' He replied, 'After that, was there any blood or dung? But that was merely an illusion.'

Ze'iri happened to go to Alexandria in Egypt and bought an ass. When he was about to water it, it dissolved, and there stood before him a landing board.⁴ The vendors then said to him; 'Were you not Ze'iri, we would not return you [your money]: does anyone buy anything here without first testing it by water?'⁵

Jannai⁶ came to an inn. He said to them, 'Give me a drink of

(1) V. p. 446, nn. 9, 10. It thus all depends as to whose help is invoked in performing the miraculous. (2) He was a magician. (3) Ex. VIII, 19; this refers to the plague of lice, which they could not imitate. (4) The ass had been a product of sorcery created out of a landing board. Things thus created reverted to their original form when brought into contact with water. (5) The scholars of the first century referred frequently to Egypt as the original home of magic arts (Blau, *Das altjüdische Zauberverwesen*, pp. 37–49). Sorcery was very rife in Alexandria, and was practised by Jews too, who were more influenced by pagan ideas in this city than in any other place of their dispersion. Among the less intelligent, Jewish and pagan, witchcraft were freely indulged in (Schürer, *Geschichte*, 3rd ed., III, 294–304). It is not clear in this passage whether Ze'iri had bought the ass from a Jew or Gentile, but the fact that such particular respect was shewn to him would seem to indicate that the vendor was a Jew. (6) Rashi observes that this is the reading, not R. Jannai; for a scholar would not practise witchcraft.

water.' and they offered him *shattitha*.¹ Seeing the lips of the woman [who brought him this] moving,² he [covertly] spilled a little thereof, which turned to snakes. Then he said, 'As I have drunk of yours, now do you come and drink of mine.' So he gave her to drink, and she was turned into an ass. He then rode upon her into the market. But her friend came and broke the charm [changing her back into a human being], and so he was seen riding upon a woman in public.

And the frog came up, and covered the land of Egypt.³ R. Eleazar said: It was one frog, which bred prolifically and filled the land. This is a matter disputed by Tannaim. R. Akiba said: There was one frog which filled the whole of Egypt [by breeding]. But R. Eleazar b. Azariah said to him, 'Akiba, What hast thou to do with *Haggadah*?⁴ Cease thy words and devote thyself to 'Leprosies' and 'Tents.'⁵ One frog croaked for the others, and they came'.

R. AKIBA SAID, etc. *demonism*

[68a] But did R. Akiba learn this from R. Joshua? Surely it has been taught: When R. Eliezer fell sick, R. Akiba and his companions went to visit him. He was seated in his canopied four-poster, whilst they sat in his salon.⁶ That day was Sabbath eve, and his son Hyrcanus went in to him to remove his phylacteries.⁷ But his father rebuked him, and he retreated crestfallen. 'It seems to me, said he to them, 'that my father's mind is deranged'.⁸ But R. Akiba said to them, 'His mind is clear, but his mother's [sc. of Hyrcanus] is deranged:⁹ how can one neglect a prohibition which is punished by death, and turn his attention to something which is merely forbidden as a *shebuth*?'¹⁰ The Sages, seeing that his mind

(1) A drink prepared of flour and water. Cf. Lat. *pisum*, a decoction of barley groats. (2) By this he recognised her to be a witch, probably muttering a charm. (3) Ex. VIII, 6. (4) *Haggadah*, also *aggadah*, from *Nagad*, to narrate, denotes the narrative, and homiletical portions of the Talmud. (5) [*Negaim* and *Ohaloth*, two subjects in the Talmud and name of two tractates dealing respectively with uncleanness of a corpse and leprosy, subjects of extreme difficulty and thus suited to R. Akiba's keen dialectics.] (6) תרליין, *trilinium*. (7) For the Sabbath was drawing near, when the phylacteries are not to be worn. (8) Since he would not let me remove his phylacteries. (9) [So Baḥ in his marginal glosses: printed texts read 'His mind and that of his mother's' etc.] (10) An occupation forbidden only by the Rabbis, not by the Bible, because it does

with a woman that is a bondmaid].¹ 'A man': from this I know the law only with respect to a man: whence do I know it of one aged nine years and a day who is capable of intercourse? From the verse, And 'if a man'?²—He replied: Such a minor can produce semen, but cannot beget therewith; for it is like the seed of cereals less than a third grown³

** A minor may kill*

The School of Hezekiah taught: But if a man came presumptuously [yazid] upon his neighbour to slay him with guile:⁴ a man can inflame [his genital] and emit semen, but not a minor⁵ R. Mordechai asked of R. Ashi: Whence do we know that *mezid* denotes heating?—From the verse, And Jacob sod [wa-yazed] pottage.⁶

But this is not so.⁷ For the School of Ishmael⁸ taught: If a man have a son:⁹ implying, a son but not a father.¹⁰ Now, how is this possible? Shall we say that he impregnated [his wife] after producing two hairs, and begot before the hair was fully grown¹¹—but can there be such a long interval [between these, as to allow for complete gestation]? Did not R. Kerespedai say: The extreme limits of a 'stubborn and rebellious' son are only three months?¹² Hence he must have caused conception before producing two hairs, and begot the child before the hair was fully grown; [and in that case he is excluded from the operation of the law] thus

→ Typical Talmudic Freudianism ←

(1) Lev. XIX, 20. (2) 'And' (1) indicates an extension of the law, and is here interpreted to include a minor aged nine years and a day. (3) Such cereals contain seed, which if sown, however, will not grow. (4) Ex. XXI, 14.

(5) *Hif'il*, *הִפִּיל* (come presumptuously), is here derived from *הִפִּיל*, to seethe, *Hif'il*, *הִפִּיל*, to cook, boil, the technical terms for the excitation producing semen. Rashi states that this interpretation is placed upon the word, for if mere wanton wickedness were referred to, Scripture should have written *Yarshia'* *יָרְשִׁיא'* from *יָרַשׁ*, a wicked man. Thus, by this exegesis, a minor is excluded from the scope of the law. (6) *הִפִּיל* Gen. XXV, 29. (7) Thus the text as reconstructed by Rashai. This is an objection to the view that a minor cannot beget children.

(8) V. p. 387 n. 7. Similarly, the 'School of Ishmael' refers to his successors long after him; Weiss, *Dor*, II. p. 93, 94 (where he implies that some teachings introduced by this caption did not really originate with him, or were such of which he would not have approved). (9) Deut XXI, 18. (10) I.e., if the son is himself a father already, this law does not apply. (11) Since these are the limits between which the law operates. (12) Whilst the fetus needs at least six months to develop.

the majority! This was reported back to Rabina. He replied: Do we then not follow the majority in capital charges? But we learnt: If one witness testified that the crime was committed on the second day of the month, and one on the third, their testimony is valid; for one knew that the past month had been full, and the other did not.¹ But if you maintain that we do not follow the majority, should we not say that these witnesses testify exactly,² and thus contradict each other? Hence it surely must be that we follow the majority who are wont to err with respect to the fulness of the month.

R. Jeremiah of Difti said: We also learnt the following: A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabited with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*,] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. If she married a priest, she may eat of *terumah*; if any unfit person cohabits with her, he disqualifies her from the priesthood. If any of the forbidden degrees had intercourse with her, they are executed on her account, but she is exempt.³ [69b] But why so: may she not prove to be barren, her husband not having married her on such a condition?⁴ Hence it must be that we take into account only the majority, and the majority of women are not constitutionally barren! No. The penalty incurred on her account is a sacrifice, [but not death]. But it is explicitly stated, 'They are executed on her account?'—That refers to incest by her father. But the statement is, If any of the forbidden degrees had intercourse with her?⁶—Hence this

Another "sage" on 3 year old girls Exh. 55

(1) V. *supra* 40a. (2) Jewish months are of either twenty-nine or thirty days duration. As the sanctification of the new month depended on the direct testimony of witnesses, each new moon being proclaimed by the Sanhedrin, it well might happen that a witness had not known that the preceding month had consisted of thirty days, and hence thought that the day of the crime was the third, instead of the second, of the new month. (3) I.e. that since there is a minority that does not err in respect of the length of the month, why not assume that each knows the length of the preceding month? (4) V. *supra* 55b. (5) In which case the marriage is null. (6) This includes the violation of the marriage bond. Exh. 156

[Mishnah] refers to a husband who explicitly accepted her under all conditions. *Lewd mother is "pure"*

Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood. Beth Hillel declare her fit. R. Hiyya the son of Rabbah b. Nahmani said in R. Hisda's name; others state, R. Hisda said in Ze'iri's name: All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not;¹ their dispute refers only to one who is eight years old, Beth Shammai maintaining, We must base our ruling on the earlier generations, but Beth Hillel hold that we do not.

Now, whence do we know that in the earlier generations [a boy of eight years] could beget children? Shall we say since it is written: [i] *[And David sent and inquired after the woman, And one said:] Is not this Bath Sheba, the daughter of Eliam, the wife of Uriah the Hittite?*⁴ And it is written, [ii] *Eliam, the son of Ahitophel the Gilonite;*⁵ and it is written, [iii] *And he sent by the hand of Nathan the prophet; and he called his name Jedidiah [afterwards Solomon] because of the Lord;*⁶ and it is written, [iv] *And it came to pass, after two full years [after Solomon's birth], that Absalom had sheepshearers;*⁷ and it is written, [v] *So Absalom fled and went to Geshur and was there three years;*⁸ and it is written [vi] *So Absalom dwelt two full years in Jerusalem, and saw not the king's face;*⁹ and it is written, [vii] *And it came to pass after forty years, that Absalom said unto the king, I pray thee, let me go and pay my vow, which I have vowed unto the Lord in Hebron;* and it is written, ¹⁰ [viii] *And when Ahitophel saw that his counsel was not followed, he saddled his ass, and arose, and got him home to his house, to his city and put his household in order, and hanged himself;*¹¹ and it is written, [ix] *Bloody*

Mother + Son

¹ I.e., she becomes a harlot, whom a priest may not marry (Lev. XXI, 7).

² So that if he was nine years and a day or more, Beth Hillel agree that she is invalidated from the priesthood; whilst if he was less than eight, Beth Shammai agree that she is not. (3) When a boy of that age could cause conception.

(4) II Sam. XI, 3. (5) Ibid. XXIII, 34. (6) Ibid. XII, 25. (7) Ibid. XIII, 23.

(8) Ibid. 38. (9) Ibid. XIV, 28. (10) Ibid. XV, 7. (11) Ibid. XVII, 23.

gentile] or violated his wife, and then became converted, is exempt. But if he did this to an Israelite, he is punished. But why so? Should we not say: Since he is changed [in respect of judicial procedure] he is changed [in respect of liability too]? — The change must be in respect of both the judicial procedure and the death penalty: but this Noachide's status has altered only in respect of the former, but not of the latter. Granted that this is true of a murderer: before [conversion] his penalty was decapitation, and it is so now too. But [the violation of] a married woman was punishable before [conversion] by decapitation, but now by strangulation? — [This refers to] the violation of a betrothed maiden, for which stoning is decreed in both cases. But 'if he did this to an Israelite' is parallel to 'or violated his neighbour's wife!'¹ — The lesser [punishment] is included in the greater.² Now this agrees with the view of the Rabbis that decapitation is severer [than stoning]; but on the view of R. Simeon that stoning is the greater punishment, what can you say? — R. Simeon concurs with the Tanna of the School of Manasseh, who says that wherever death is decreed for the Noachide, it is by strangulation. Now, this is true of adultery, the penalty for which both before and after [conversion] is strangulation.³ But murder was punishable before by strangulation; now by decapitation! — The lesser is included in the greater.⁴

Shall we say that the following supports him? [For it was taught:] If she [sc. a betrothed maiden] sinned [by committing adultery], and then attained puberty [becoming a *bogereth*], she is strangled.⁵ Now, why not stoned?⁶ Surely, because since she is changed [physiologically], she is likewise changed [in respect of

brutality relished

(1) 'His neighbour's wife' must refer to a *nesu'ah*, since the sacredness of betrothal alone is not recognised by heathens. Consequently, 'if he did this to an Israelite must also refer to a *nesu'ah*. (2) I.e., this does refer to a *nesu'ah*, whose violation before conversion is punished by decapitation; after conversion, by stoning. But the latter being more lenient than the former, it is regarded as included therein; hence his death has not changed. But in blasphemy, the change is from decapitation to stoning, which is the reverse. (3) According to the last answer. (4) Decapitation being more lenient than strangulation. (5) V. Keth. 45a. (6) In accordance with the penalty of a *na'arah*.

cause her to be a whore; R. Eliezer said: This refers to marrying one's [young] daughter to an old man. R. Akiba said: This refers to the delay in marrying off a daughter who is already a *bogereth*.¹

R. Kahana said on R. Akiba's authority: The only poor in Israel is the subtly wicked and he who delays in marrying off his daughter, a *bogereth*.² But is not one who thus delays himself subtly wicked?³—Abaye answered: [76b] This is its meaning: Which poor man is subtly wicked? He who delays marrying off his daughter, a *bogereth*.⁴

R. Kahana also said on R. Akiba's authority: Beware of one who counsels thee for his own benefit.⁵ *gentile*

Rab Judah said in Rab's name: One who marries his daughter to an old man or takes a wife for his infant son, or returns a lost article to a Cuthean,⁶—concerning him Scripture sayeth, [that he bless himself in his heart saying, I shall have peace, though I walk in the imagination of mine heart] to add drunkenness to thirst: The Lord will not spare him.⁷ *To return a Gentile's lost article is a sin*

An objection was raised: He who loves his wife as himself and honours her more than himself,⁸ and leads his children in the right path, and marries them just before they attain puberty—of him Scripture saith, *And thou shalt know that thy tabernacle shall be in peace and thou shalt visit thy habitation, and shalt not sin.*⁹—If just before puberty, it is different.

Our Rabbis taught: He who loves his neighbour, displays

→ *marrying off children*

(1) Having attained puberty, she may become unchaste if not married. Marriage, of course, was then at a far earlier age than now. (2) This is explained further on. (3) Why 'and he who delays etc.': the two are identical. His wickedness consists in that he keeps her unmarried, that he may profit by her labour whilst endangering her chastity. (4) Through his poverty he delays her marriage, that he may profit from her labour. The poor man has no other opportunity of cunning wickedness. (5) Lit., 'in his own way'. (6) V. p. 388, nn. 5—6. (7) Deut. XXIX, 18ff. i.e., the associations involved in these practices are displeasing in the eyes of the Lord. [How bitter must have been the persecution of the Jews under Ardeshir (v. Funk, op. cit. 1, pp 66 ff.) to have provoked gentle Rab to this harsh utterance.] (8) By providing her with fine ornaments (Rashi). (9) Job. V. 24. This proves that it is meritorious to marry off one's children whilst minors.

76b-77a Exhibit 85 SANHEDRIN Talmud "LAW" in a place where he must die]; [77a] then with respect to damages, wherein unwitting damage is treated as deliberate, and an accident as intention,¹ surely he is liable for confining [the animal].

'R. Aha b. Rab ruled that he is not liable.' Said R. Mesharshia: Why does my grandfather² rule him not liable?—Because of the verse, [Or in cunnity he smite him with his hand, that he die:] *He that smote him shall surely be put to death: for he is a murderer:*³ only a murderer has the law made liable for confining, but not one who causes damage thereby. *How to kill a neighbor*

Raba said: If one bound his neighbour and he died of starvation, he is not liable to execution. Raba also said: If he bound him in the sun, and he died, or in a place of intense cold and he died, he is liable; but if the sun was yet to appear, or the cold to make itself felt, he is not.⁴ Raba also said: If he bound him before a lion, he is not liable.⁵ before mosquitoes, [who stung him to death] he is. R. Ashi said: Even before mosquitoes, he is not liable, because these go and others come.⁶

It has been stated: If one overturned a vat upon a man [who then died of suffocation], or broke open a ceiling above him,⁷—Raba and R. Zera [differ]: One ruled that he is liable, the other that he is not. It can be proved that it was Raba who ruled that he is not liable, for he said: If one bound his neighbour and he dies of starvation, he is not liable.⁸ On the contrary, it can be

(1) It being a general principle that a man is liable for any damage he does, no matter how, B.K. 26b. (2) R. Aha b. Rab was a Babylonian amora of the fourth century, and the grandfather of R. Mesharshia. (3) Ibid. The first half of the verse extends the law to confining one's neighbour in a place of death, (p. 519). (4) I.e., he is liable only if the place was already exposed to heat or cold. But if it was merely destined to become hot, the sun not yet having risen, he is not liable. In the first case, he is regarded as a direct murderer, in the second, as an indirect cause. That is the general reason for the exemptions taught in this passage. (5) Because he could not have saved himself in any case. [Raba probably refers to a prisoner thrown into an arena to be torn by lions.] (6) I.e., the mosquitoes before which the prisoner was bound do not kill him entirely, as there is a continuous coming and going. Hence it is similar to binding one in a place where the sun will appear, but has not yet done so. (7) So that the cold entering therein, killed him. (8) This is similar: he did not kill him but indirectly caused his death.

shewn that R. Zera ruled that he is not liable. For R. Zera said: If one led his neighbour in to an alabaster chamber¹ and lit a candle therein, so that he died [of the fumes], he is liable. Now, the reason is only that he lit a candle that he is liable;² but had he not lit a candle [and the prisoner died of the natural heat and lack of air], he would be exempt!³—I will tell you: In that case, without a candle, the heat would not have commenced [its effects] [77b] immediately [he placed him therein];⁴ but in this case [of placing the upturned vat over him] the heat commences immediately.

(Mnemonic: *Ladder, shield, balsam, in a wall.*) "Law"

Raba said: If one thrust his neighbour into a pit, in which there was a ladder [so that he could have climbed out], and then another came and removed it, or even if himself hastened to remove it, he is not liable [for the victim's death], because when he threw him in he could have climbed out. Raba also said: If one shot an arrow at his neighbour, who was holding a shield, but another came and snatched it away, or even if he himself [the thrower] hastened to do so, he is not liable, because when he shot the arrow its force was spent.⁵

Raba also said: If one shot an arrow at his neighbour, who had balsam in his hand [wherewith he could have healed the wound], but another dashed it out of his hand, or even if he himself [the thrower] did so, he is not liable, because when he did it he could have been healed. R. Ashi said: Therefore this holds good even if there was balsam in the market.⁶ R. Aha the son of Raba asked R. Ashi: What if he came across the

(1) Which was then hermetically sealed, so that no fumes could escape. (2) This being considered active murder under the circumstances. (3) Thus R. Zera maintains that no penalty is incurred for indirectly causing one's death. (4) [By consuming the oxygen, the fire immediately produces effects of asphyxiation, but without fire such effects are not immediately felt.] (5) Lit., 'broken', as at the time it was released there was a shield to prevent its killing. (6) I.e., if when the arrow was thrown, a healing ointment could have been procured sufficiently quickly to prevent death, the attacker is not liable, even if for some reason the ointment became subsequently unavailable.

the side of the utensil, whence it fell into the trough, it is unfit?¹

—The reference here is to a dripping down.²

Come and hear! If an [unclean] needle was lying upon a shard, and the [purifying] water was sprinkled thereon, but it is doubtful whether upon the needle or upon the shard, and then it spurted [miza] upon the needle, the sprinkling is invalid.³—R. Hinena b. R. Judah said in Rab's name: We have learnt, It was found [maza].⁴ How To Kill Explained

R. Papa said: If one bound his neighbour and then caused a column of water to inundate him, it is as his arrows, and he is liable [for his death]. But that is only if [he was drowned] by his direct agency; but if through his indirect agency⁵ he is merely regarded as a subsidiary cause.⁶

R. Papa also said: If one threw a stone upwards, and it returned

(1) The reference is to the law of the red heifer: Num. XIX. The ashes thereof, when mixed with running water, are said to sanctify, the ashes themselves being denominated 'the sanctifier'. These had to be placed by a person into the water, not merely fall therein. Now, if one was engaged in sanctifying the water, and instead of pouring the ashes straight in, permitted them to fall upon his hand or on the side of a utensil, whence they fell into the trough containing the sanctified water, the water is unfit for its purpose, because the mixing had not been done directly by the person. This proves that a rebound is not regarded as a person's direct action, and thus contradicts the law of murder. (2) The ashes did not fall with force from the side of the utensil into the trough, but merely dripped down; therefore it is not regarded as man's direct agency. Had they fallen with force, however, the fall would be regarded as part of the man's action in dropping them on to the utensil, and the water would accordingly be fit. In the case of murder, the rebound is with force, and directly caused by the strength of the throw. (3) Because the sprinkling, as the mixing, must be done by man. Thus we see that the rebound is not regarded as direct action. (4) I.e., the text is corrupt, and instead of miza miza, maza maza is to be read. Thus, the water was found upon the needle, but how it came there is not known, whether sprinkled direct thereon, or it had rebounded from the shard, which, on the present hypothesis, would also be valid, or flowed of itself from the shard on the needle, in which case it was not due at all to man's action. (5) If the victim was lying immediately in front of the burst, where the strength of the water's flow is still due to the man's action, the drowning is by his direct agency. But if he was lying at some distance, he is held to be an indirect or secondary cause. (6) Not the actual murderer.

in a slanting direction and killed a man, he is liable. Mar son of R. Ashi asked R. Papa. Why so? Because it is by his agency! But if so, it should go upwards;¹ [78a] whilst if it is not by his agency, it should fall [vertically] down?²—But it is through his agency, though weakened.³ *10 "innocent" men*

Our Rabbis taught: If ten men smote a man with ten staves whether simultaneously or successively, and he died, they are exempt. R. Judah b. Bathyra said: If successively, the last is liable, because he struck the actual death blow.⁴ R. Johanan said: Both derive [their rulings] from the same verse, *And he that killeth kol nefesh* [lit., 'all life'] of man shall surely be put to death.⁶ The Rabbis maintain that *kol nefesh* implies the whole life;⁷ but R. Judah b. Bathyra holds that *kol nefesh* implies, whatever there is of life.⁸

Raba said: Both agree that if he killed a *terefah* ⁹he is exempt; if he slew one who was dying through an act of God,¹⁰ he is liable; their dispute refers only to one who was dying through man's act:¹¹ the one likens him to a *terefah*,¹² the other to a person dying naturally. Now, he who likens him to a *terefah*, why does he not liken him to a person dying naturally?—Because no injury has been done to the latter; but an injury has been done to this one. Whilst he who likens him to a person dying naturally, why does he not liken him to a *terefah*?—A *terefah* has his vital organs affected¹³, but this one has not.¹⁴ *"mercy" killing ↑*

(1) For he had exerted himself to cause it to go up, not down. (2) Not in a slanting direction. (3) I.e., most of the force with which he threw it was already expended, but sufficient was left to impel it in the direction in which it fell. (4) Lit., 'brought his death near'; v. B.K. 26b. (5) *וְכָל הַנֶּפֶשׁ* (6) Lev. XXIV, 17. (7) Hence, if ten men assailed him successively, he was already nearly dead when the last smote him: therefore the last too is exempt. (8) I.e., however little life the man has, even if he is nearly dead, the man who actually kills him is liable. (9) V. Glos. When used of a person, it means that he was suffering from some fatal organic disease, recovery from which is impossible. (10) I.e., naturally, through age or weakness, but without an organic disease or wound. (11) As here: nine men had smitten him, and though not actually a *terefah*, he was already at the point of death. (12) Hence his slayer is exempt. (13) Lit., 'cut'. (14) Although suffering very much from the successive blows, and on the point of death, no vital organ, e.g., the heart or lungs, is injured, as in the case of a *terefah*.

A tanna recited before R. Shesheth: *And he that killeth all life of man*: this includes one who smote his fellow, but there was not in his blow enough [force] to kill, and then a second came and killed him, [teaching] the latter is executed. But if the first man's blow was insufficient to kill, is it not obvious [that the second is liable]?—But [say thus: the first smote him] with sufficient force to kill, [but before he expired] a second came and slew him; then the second is liable. This anonymous Baraita agrees with R. Judah b. Bathyra.¹ *Abusing dead is alright.*

Raba said: If one kills a *terefah*, he is exempt; whilst if a *terefah* committed murder: if in the presence of a Beth din, he is liable; otherwise he is exempt. Why is he liable if in the presence of a Beth din?—Because it is written, *So shalt thou put away the evil from the midst of thee.*² But if not, he is exempt, because the law of confuted testimony is inapplicable, and testimony which cannot be so confuted is inadmissible.³ *(Sodomy at Beth Din)*

Raba also said: He who commits pederasty with a *terefah* is liable to punishment; but if a *terefah* committed it, if in the presence of a Beth din, he is liable; otherwise he is not. 'If in the presence of a Beth din, he is liable', because it is written, *So shalt thou put the evil away from the midst of thee.* 'Otherwise he is not', because the law of confuted testimony is inapplicable. Why state this second [law]; is it not identical with the first?—It is necessary to teach concerning one who commits pederasty with a *terefah*: for I might think that he is as one who abuses a dead person, and hence exempt. Therefore he teaches that [punishment is generally imposed] because of the [forbidden]

(1) That the last of the ten is liable for hastening his death, though the cumulative effect of the preceding nine would have caused his death in any case, if not so soon. (2) Deut. XIII, 6. (3) Ibid. XIX, 16-19. Since the murder was not committed in the presence of a Beth din, witnesses must testify thereto. But should they subsequently be proved false (*Zomemim*, v. Glos.) they could not be executed in accordance with Deut. XIX, 16-19, because they had sought the execution of one who is already regarded as dead, a *terefah* being thus considered, and testimony to which this law is inapplicable is not valid. But if the murder was committed in the presence of a Beth din, so that no testimony at all is required, the ordinary law of a murderer applies.

worse and died, the second assessment is followed.¹ This is R. Nehemiah's view. The Sages maintain: There can be no second assessment after the first.²

Another [Baraitha] taught: If his injuries were declared fatal, they may subsequently be declared non-fatal.³ But once his injuries are declared non-fatal, they cannot subsequently be declared fatal.⁴ If the blow was assessed to be fatal, but then he became better, a second assessment of the financial damage is made, and if he subsequently died, he must make compensation for the damage, pain [etc.]⁵ to the heirs. From when must compensation be made?—From when he smote him.⁶ And thus this anonymous [Baraitha] agrees with R. Nehemiah.⁷

Intent to kill a non-Jew so laudable it exempts one for
MISHNAH. IF HE INTENDED KILLING AN ANIMAL BUT SLEW A MAN, OR A HEATHEN AND HE KILLED AN ISRAELITE, OR A PREMATURELY BORN AND HE KILLED A VIABLE CHILD, HE IS NOT LIABLE.⁸ IF HE INTENDED TO STRIKE HIM ON HIS LOINS, WHERE THE BLOW WAS INSUFFICIENT TO KILL, BUT SMOTE THE HEART INSTEAD, WHERE IT WAS SUFFICIENT TO KILL, AND HE DIED; OR IF HE INTENDED SMITING HIM ON THE HEART, [79a] WHERE IT WAS ENOUGH TO KILL, BUT STRUCK HIM ON THE LOINS, WHERE IT WAS NOT, AND YET HE DIED, HE IS NOT LIABLE. IF HE AIMED A BLOW AT AN ADULT,

(1) I.e., he is liable for the financial damage, as it was computed, but not to death. (2) I.e., since on the first computation the injuries were declared fatal, when he subsequently grew better, and financial damages were awarded, we do not regard him as having left Beth din a free man (in respect of the capital penalty), but judge him according to the ultimate issue, and hence he is executed. (3) If he grew better, and the assailant is thus freed from death. (4) If he grew worse and died, the culprit is not executed. (5) [On the payments for injuries, v. B.K. VIII, 1.] (6) In assessing the victim's worth, his value before being smitten is taken. But we do not say, since his injuries were first declared fatal, and then not fatal, subsequent to which he died, his value should be assessed on the basis of his health at the time of the second computation. (7) That financial compensation must be made, but there is no liability to death. (8) [A prematurely born child for the first thirty days is not considered viable.]

WHOM IT WAS INSUFFICIENT TO KILL, BUT CAUGHT A CHILD,¹ WHOM IT WAS ENOUGH TO KILL, AND HE DIED, HE IS NOT LIABLE. IF HE STRUCK AT A CHILD WITH SUFFICIENT FORCE TO KILL HIM, BUT IT CAUGHT AN ADULT, FOR WHOM IT WAS INSUFFICIENT, AND YET HE DIED, HE IS NOT LIABLE. BUT IF HE INTENDED TO STRIKE HIS LOINS WITH SUFFICIENT FORCE TO KILL, BUT CAUGHT THE HEART INSTEAD, HE IS LIABLE. IF HE AIMED A BLOW AT AN ADULT HARD ENOUGH TO KILL, BUT STRUCK A CHILD INSTEAD, AND HE DIED, HE IS LIABLE. R. SIMEON SAID: EVEN IF HE INTENDED KILLING ONE BUT KILLED ANOTHER, HE IS NOT LIABLE.

Killing a Jew. But intent to kill
GEMARA. To which clause does R. Simeon refer? Shall we say to the last? In that case, the Mishnah should state, R. Simeon declares him not liable.² But he refers to the first clause: IF HE INTENDED KILLING AN ANIMAL, BUT SLEW A MAN, OR A HEATHEN AND HE SLEW AN ISRAELITE, OR A PREMATURELY BORN AND HE SLEW A VIABLE CHILD, HE IS NOT LIABLE. This implies, that if he intended killing one [Israelite] and killed another, he is liable. [Thereupon] R. SIMEON SAID: EVEN IF HE INTENDED KILLING ONE BUT KILLED ANOTHER, HE IS NOT LIABLE.

Now, it is obvious that if Reuben and Simeon were standing, and the murderer said, 'I intended killing Reuben, not Simeon' [whom he did actually kill]—that is the case wherein they differ. But what if he said, 'I intended killing any of them';³ or [again], if he thought that this victim was Reuben, but then found him to be Simeon?—Come and hear! For it has been taught: R. Simeon said: [He is not liable] unless he declares, 'My intention was to kill so and so' [whom he did kill].⁴

What is R. Simeon's reason?—The Writ saith, [But if any man

(1) Lit., 'a minor'. (2) Why repeat, Even if he intended etc.? Since it bears upon the clause immediately preceding, the circumstances having been stated, it is sufficient just to give R. Simeon's ruling. (3) Does R. Simeon regard this as intentional, or not, since he would have been equally satisfied had the other been killed. (4) This proves that in both cases propounded, he is not liable according to R. Simeon.

hate his neighbour,] and lie in wait for him, and rise up against him: teaching that his intention must be *against him*. But the Rabbis? — The disciples of R. Jannai said: This excludes the case of one who threw a stone into the midst of a company [of Israelites and heathens]. How is this? Shall we say that the company consisted of nine heathens and one Israelite? Then his non-liability can be inferred from the fact that the majority were heathens. And even if half and half, when there is a doubt in a capital charge, a lenient attitude must be taken! — The verse is necessary only if there were nine Jews and one heathen, so that the heathen [though in a minority] is 'settled' there, and every 'settled' [minority] is as half and half.

All is well according to the Rabbis, who maintain that if he intended killing one man and killed another, he is liable. For it is written, *If men strive, and hurt a woman with child*; whereupon R. Eleazar observed: The verse refers to attempted murder, because it is written, *And if any mischief follow, then thou shalt give life for life*. But how does R. Simeon interpret, 'thou shalt give life for life'? — It refers to monetary compensation, in harmony with Rabbi's [interpretation]. For it has been taught: Rabbi said: *a Jew is different — the death penalty*

(1) Deut. XIX, 11. (2) How do they interpret 'for him' and 'against him'? (3) Since they were equally divided, we do not know whether he aimed at a Israelite or a heathen, and hence even without a verse we know that he is not liable. (4) This is a general rule in the Talmud. Although the majority is always followed, that is only when the minority is not *נצב קבוע*, fixed, settled in a certain place; but otherwise, it is equal to the majority. The following example from the Talmud will make it clearer. If there are ten butcher shops in a street, nine of which sell only *kasher* meat, the tenth selling *terefah* meat, and a piece of meat is found in the street, it may be assumed to be *kasher*, as the majority is followed. But if meat was bought in one of the shops, and it is not known from which, this assumption may not be made, because the doubt arises not in the street but in the shop, and the minority is in a settled place. Thus here too, since the company is all together, the place of the heathen is known and fixed, as it were. The verse under discussion teaches that the murderer in this case is not liable; hence it becomes the source of the principle that a 'settled' minority is regarded as equal to the majority. (5) Ex. XXI, 12. (6) Lit., 'the verse speaks of a strife with murderous intent'. (7) Ibid. 23; v. *supra*, 74a. (8) Since the murder of the woman was unintentional, according to R. Simeon there is no death penalty.

and Phinehas waited for his strength to weaken, not knowing that [God is] a King, against whom there is no rising up. In the Baraita we learnt: Sixty [times], until he became like an addled egg, whilst she became like a furrow filled with water. R. Kahana said: And her seat was a *beth se'ah*. R. Joseph learned: Her womb opening was a cubit. (18 inches)

R. Sheshet said: Her name was not Cozbi, but Shewilanai the daughter of Zur. Why then was she called Cozbi? Because she falsified her father's teachings. Another interpretation is: She said to her father, 'Devour me [*kosbi*] this people.' And thus it is a popular proverb, 'What business hath Shewilanai by the reeds of the lake? What hath Shewilanai to do amongst the peeling rushes? She prostitutes her mother.'

R. Johanan said: [Zimri] had five names: Zimri, the son of Salu, Saul, the son of the Canaanitish woman, and Shelumiel, the son of Zurishaddai. Zimri, because he became like an addled egg [*beza hamuzereth*]; the son of Salu, because he outweighed [*hisli*] the sins of his family; Saul, because he lent himself [*hish'il fr. sha'al*] to sin; the son of the Canaanitish woman, because he acted in a Canaanitish fashion, [i.e., depravedly]; whilst his real name was Shelumiel the son of Zurishaddai.

IF A PRIEST PERFORMED THE TEMPLE SERVICE WHILST UNCLEAN.

R. Abba b. Huna propounded a problem to R. Shesheth: Does a priest who performed the Temple service whilst unclean

(1) Heb. *חלש* (weakened) is connected here with *חלש*. (2) I.e., he need not have waited, for Zimri was already doomed. (3) I.e., she became very bloated. [*Beth se'ah* is a field requiring one *se'ah* of seed. (4) From *כזב* falsehood. (5) V. 82a; he had instructed her to surrender only to the greatest man in Israel. (6) *זכור*. (7) A common name for a dissolute woman. [The word is connected with the Arabic denoting 'womb opening', v. MGWJ, LXXIII, p. 398]. (8) I.e., surely she goes to these secluded spots only for immoral purposes. (9) I.e., she transfers her own harlotry to her mother—an unchaste woman being generally called a harlot, the daughter of a harlot (Rashi). Jast. renders, 'Did she embrace her mother?' (10) From *חלש*. (11) From *חלש*. Others: he caused the sins of the family to rise, i.e., became notorious. (Jast.); Rashi (one version): caused his sins to be searched out, probed.

[taught] likewise; For no offence may a son be appointed an agent to smite or curse his father, excepting if he be a *mesith*, since it is written, *neither shalt thou spare nor conceal him.*¹

You may also strike parents

MISHNAH. HE WHO STRIKES HIS FATHER OR HIS MOTHER IS LIABLE ONLY IF HE WOUNDS THEM. IN THIS RESPECT, CURSING IS MORE STRINGENT THAN SMITING, FOR, HE WHO CURSES [HIS PARENTS] AFTER DEATH IS LIABLE, WHILST HE WHO SMITES THEM AFTER DEATH IS NOT.

GEMARA. Our Rabbis taught: *His father or his mother he hath cursed:*² [*his blood shall be upon him*]. This means, even after death.³ For I would think, since he is liable for smiting and for cursing; just as for smiting he is liable only when [his parents are] alive, so also for cursing. Moreover, an *ad majus* reasoning [would seem to prove the contrary]: If for smiting, where [a parent] 'not of thy people' is assimilated to one 'of thy people',⁴ there is nevertheless no punishment for doing so after his death; then cursing, where one 'not of thy people' is assimilated to 'of thy people', is surely not punishable if done after death! Therefore the Writ saith, *He hath cursed his father or his mother*. Now this accords with R. Jonathan, to whom the verse, *His father or his mother, he hath cursed*, is superfluous; but on R. Josiah's view, what can be said? For it has been taught: *For [ish ish] any man [that curseth his father or his mother shall surely be put to death].*⁶ Now, Scripture could have said, *A man [ish]*; what is taught by 'any man' ['ish ish']? The inclusion of a daughter, a *tumtum*, and a hermaphrodite [as being subject to this law]. 'That curseth his father and his mother': from this I know only [that he is punished for cursing] his father and his mother: whence do I know [the same] if he cursed his father

(1) Deut. XIII, 9. (2) Lev. XX, 9. (3) It is so interpreted because it is superfluous, since the beginning of the verse states, *For everyone that curseth his father or his mother shall surely be put to death*. (4) V. *supra*. Because in Ex. XXI, 15, dealing with this, no mention is made that the parents must be 'of thy people'. (5) וְאִם וְאִם Lit., 'A man, a man'. (6) Lev. XX, 9.

on a matter involving the death penalty at the hands of Beth din, he would have been liable to death even before! — Before, he needed a formal warning;¹ now he does not.² But what of a *mesith*, for whom no warning is required? ³ Before, had he stated a reason [excusing or justifying his action], it might have been accepted; but now, even if he stated a reason, it would not be accepted.

Talmud ranks above Torah (Bible)

MISHNAH. THERE IS GREATER STRINGENCY IN RESPECT TO THE TEACHINGS OF THE SCRIBES THAN IN RESPECT TO THE TORAH. [THUS,] IF ONE [A REBELLIOUS ELDER] SAYS, THERE IS NO PRECEPT OF TEFILLIN, SO THAT A BIBLICAL LAW MAY BE TRANSGRESSED, HE IS EXEMPT.⁴ [BUT IF HE RULES THAT THE TEFILLIN MUST CONTAIN] FIVE COMPARTMENTS, THUS ADDING TO THE WORDS OF THE SCRIBES, ⁵ HE IS LIABLE.

GEMARA. R. Eleazar said in R. Oshaia's name: He is liable only for a matter of which the fundamental law is Biblical, whilst its interpretation is of the Scribes, and in which there is room for addition, which addition, however, is the equivalent of subtraction. Now, the only precept [fulfilling these conditions] is that of *tefillin*.⁶ Now, this statement was made according to R. Judah.⁷ But is there not the *lulab*,⁸ the fundamental law of which is Biblical,⁹

That was Jesus' "crime"

(1) Cf. *supra* p.p. 494-5. (2) Since he is punished not for actually committing the offence, but for flouting Beth din. ³ If he acted as an inciter to idolatry, but maintained that his words did not purport thus, and the Great Beth din ruled that they did, it is shewn that he was liable to death even before, and without a warning, which is unnecessary for a *mesith*. (4) Since all know that the Bible commands the wearing of *tefillin*, the words of the elder will be ineffective. (5) Who required only four in the head-*tefillin*. (6) The fundamental law of wearing *tefillin* is Biblical. By Rabbinic interpretation, the head-*tefillin* must contain four compartments, with inscriptions in each. Hence it is possible to rule that it should consist of a greater number. But if this is done, the *tefillin* is unfit, so that the addition amounts to subtraction of its fitness. (7) V. *supra* 87a, where R. Meir, R. Judah, and R. Simeon are in dispute. (8) The palm branch, which was to be taken with other species of plant life on the Festival of Tabernacles. (9) Lev. XXIII, 40.

CHAPTER XI:

Asserting future life to fight the
"adherents to the Scriptures"

MISHNAH. ALL ISRAEL¹ HAVE A PORTION IN THE WORLD TO COME,² FOR IT IS WRITTEN, THY PEOPLE ARE ALL RIGHTEOUS; THEY SHALL INHERIT THE LAND FOR EVER, THE BRANCH OF MY PLANTING, THE WORK OF MY HANDS, THAT I MAY BE GLORIFIED.³ BUT THE FOLLOWING HAVE NO PORTION THEREIN: HE WHO MAINTAINS THAT RESURRECTION IS NOT A BIBLICAL DOCTRINE⁴ THE TORAH WAS NOT DIVINELY REVEALED,

(1) In the Jerusalem Talmud this is the tenth chapter, whilst 'These are strangled', which in the Babylonian version is the tenth, is there the eleventh. H. Danby, *Sanhedrin, Introduction VIII, 2*, defends the order of the Bab. Tal. as correct. Rashi likewise states: 'Having first dealt with those who are executed by Beth din by one of the four modes of execution, the Mishnah proceeds to enumerate those who have no portion in the world to come.' Maimonides in his commentary places this as the tenth chapter (v. also his *Introduction to Seder Zera'im*), and Asheri does likewise. This order is adopted in the printed editions of the Mishnah and in the Jerusalem Talmud (cp. also Mak. 2a). (2) This is not a dogmatic assertion that only Israel has a portion in the world to come, but is closely connected with the preceding chapters, and asserts that even those who were executed by Beth din are not shut out from the future world, as is stated in VI, 2. (3) The conception of what is to be understood by the future world is rather vague in the Talmud. In general, it is the opposite of *olam hazeh*, this world. In Ber. I, 5, 'this world' is opposed to the days of the Messiah. Whether the Messianic era is thus identical with the future world, and these again with the period of resurrection, is a moot point (v. *infra*, 91b). The following quotation from G. Moore, *Judaism* (Vol. 2, p. 389) is apposite: 'Any attempt to systematize the Jewish notions of the hereafter imposes upon them an order and consistency which does not exist in them.' (4) Isa. LX, 22. (5) Lit., 'that resurrection is not intimated in the Torah.' The doctrine of resurrection was denied by the Sadducees and the Samaritans. It was to oppose these that the doctrine was emphatically asserted in the second of the Eighteen Benedictions (v. W.O. Oesterley, *The Jewish Background of Christian Liturgy*, Oxford, 1925, 60ff.). According to the present text, however, the reference is not to one who denies the fact of resurrection, but that it is intimated in the

AND AN EPIKOROS¹ R. AKIBA ADDED: ONE WHO READS UN-CANONICAL BOOKS.² ALSO ONE WHO WHISPERS [A CHARM] OVER A WOUND AND SAYS, 'I WILL BRING NONE OF THESE DISEASES UPON THEE WHICH I BROUGHT UPON THE EGYPTIANS: FOR I AM THE LORD THAT HEALETH THEE.'³ ABBA SAUL SAYS: ALSO ONE WHO PRONOUNCES THE DIVINE NAME AS IT IS SPELT⁴ Meaning Christians

THREE KINGS AND FOUR COMMONERS HAVE NO PORTION IN THE WORLD TO COME: THE THREE KINGS ARE JEROBOAM, AHAB, AND MANASSEH.⁵ R. JUDAH SAID: MANASSEH HATH A PORTION THEREIN, FOR IT IS WRITTEN, AND HE PRAYED UNTO and New Testament (Ex. 102)

Torah. (On the importance of conceding the Biblical origin of this tenet, v. p. 604, n. 12.) But D.S. omits the phrase as interpolated, and he is supported by the Toscf. XIII, 5.

(1) In the first place, the word denotes an adherent of the Epicurean philosophy, and then, one who lives a licentious and dissolute life. The word has also been derived from *epikoros* (cf. *epikoros*) to be unbridled, and it is frequently used as a synonym of *epikoros* (q.v. p. 604, n. 12), heretic. The Gemara defines it as one who speaks disparagingly of the Bible and its disciples. (2) Lit., 'the external books'. Graetz, *Gesch.* IV, p. 99, regards this as referring to un-Jewish, particularly Gnostic literature. Weiss takes a similar view. The pernicious influence of Gnosticism, particularly as it impaired the pure monotheism of Judaism, made the Rabbis very anxious to stem its spread, and hence R. Akiba's dictum. (Weiss maintains that Elisha b. Abua's revolt against the Rabbis was in some measure occasioned by the influence of Gnosticism.) On this view, ordinary reading is referred to. There are indications, however, that something more is meant. The J. Tal. a.l. adds: 'E.g., the books of Ben Sira and Ben La'anah. But the reading of Homer and all subsequent books is as the reading of a letter.' In spite of the fact that the Bab. Tal. forbids the books of Ben Sira, it is evident from the discussion that all its contents were well-known, and Sira's wisdom is frequently quoted by the Talmudists. It is also difficult to see why greater exception should be taken to Sira than to Homer. To obviate these difficulties the theory has been put forward that the prohibition is against reading these uncanonical works publicly, treating them as the Scripture and expounding them to the community. Private reading, however, would on this theory not come within the ban. (V. Krochmal *Mores Nebuchas ha-Zeman*, XI, 5.) (3) Ex. XV, 26. (4) Lit., according to its letters'. (5) Jeroboam, the son of Nebat, who is frequently stigmatised in the Bible as having 'sinned and caused Israel to sin'. Ahab, the son of Omri, a later King; v. I Kings, XXI, 21. Manasseh, the son of Hezekiah, King of Judah; v. II Kings, XXI.

HIM, AND WAS INTREATED OF HIM, AND HE HEARKENED TO HIS SUPPLICATION AND THEY RESTORED HIM TO JERUSALEM, TO HIS KINGDOM.'¹ THEY [THE SAGES] ANSWERED HIM: THEY RESTORED HIM TO HIS KINGDOM, BUT NOT TO [HIS PORTION IN] THE WORLD TO COME. FOUR COMMONERS, VIZ., BALAAM, DOEG, AHITOPHEL, AND GEHAZI.²

Balaam passages refer to Jesus
GEMARA. And why such [severity]?—A Tanna taught: Since he denied the resurrection of the dead, therefore he shall not share in that resurrection, for in all the measures [of punishment or reward] taken by the Holy One, blessed be He, the Divine act befits the [human] deed.³ As it is written, *Then Elisha said, Hear ye the word of the Lord; Thus saith the Lord, To-morrow about this time shall a measure of fine flour be sold for a shekel, and two measures of barley for a shekel, in the gates of Samaria.*⁴ And it is written, *Then a lord on whose hand the king leaned answered the man of God, and said, Behold, if the Lord made windows in heaven, might this thing be? And he said, Behold, thou shalt see it with thine eyes, but shalt not eat thereof.*⁵ [90b] And it is [further] written, *And so it fell unto him: for the people trod upon him in the gate, and he died.*⁶ But perhaps this was the result of Elisha's curse, for Rab Judah said in Rab's name: The curse of a Sage, even if unmerited, is fulfilled?—If so, Scripture should have written, they trod upon him and he died. Why, trod upon him in the gate?—[To show that it was] on account of matters pertaining to the gate.⁷

It is not

How is resurrection derived from the Torah?—As it is written, *And ye shall give thereof the Lord's heave offering to Aaron the priest.*⁸ But would Aaron live for ever; he did not even enter Palestine, that *terumah*⁹ should be given him?¹⁰ But it teaches that he would be resurrected, and Israel give him *terumah*. Thus resurrection is

he taught them that if they killed Balaam
(1) II Chron. XXXIII, 13. (2) Balaam: v. Num. XXXI, 8, 16; Doeg the Edomite: v. I Sam. XXI, 22; Ahitophel: v. II Sam. XV; Gehazi: v. II Kings V, 20. (3) Lit., 'Measure for measure'. (4) II Kings VII, 1. (5) Ibid. 2. (6) Ibid. 20. (7) I.e., Elisha had prophesied that wheat and barley would be sold cheaply at the gate of Samaria, and he denied it. (8) Num. XVIII, 28. (9) V. Glos. (10) The priestly dues were rendered only in Palestine.

derived from the Torah. The school of R. Ishmael taught: *To Aaron* [means to one] like Aaron: just as Aaron was a *haber*,¹ so his sons must be *haberim*.² R. Samuel b. Nahmani said in R. Jonathan's name: Whence do we know that *terumah* must not be given to a priest and 'am ha-arez?³ From the verse, *Moreover he commanded the people that dwelt in Jerusalem to give the portion of the Levites, that they might hold fast to the law of the Lord:*⁴ [thus,] whoever holds fast to the law of the Lord, has a portion; whoever does not, has no portion. R. Aha b. Adda said in Rab Judah's name: One who gives *terumah* to an ignorant priest is as though he had placed it before a lion: just as a lion may possibly tear his prey and eat it and possibly not,⁵ so is an ignorant priest—he may possibly eat it undefiled and possibly defiled. R. Johanan said: He even causes his [sc. the ignorant priest's] death, for it is written, *and die therefore, if they profane it.*⁶ The School of R. Eliezer b. Jacob taught: He also embroils him in a sin of general trespass,⁷ for it is written, *Or suffer them to bear the iniquity of trespass when they eat their holy things.*⁸

It has been taught: R. Sinai said: Whence do we learn resurrection from the Torah?—From the verse, *And I also have established my covenant with them, [sc. the Patriarchs] to give them the land of Canaan:*⁹ '[to give] you' is not said, but 'to give them' [personally]; thus resurrection is proved from the Torah.¹⁰

(Mnemonic: ZeDeK, GaM, GeSHeM, KaM.)¹¹ Sectarians [minim]¹² asked Rabban Gamaliel: Whence do we know that the

(1) V. Glos. (2) Hence this verse is to teach that the priestly dues are not to be rendered to an ignoramus, and affords no basis for resurrection. (3) Lit., 'people of the earth,' peasants, and then denoting the ignorant and irreligious in general. (4) II Chron. XXXI, 4. (5) I.e., when a lion steals an animal and mauls it, we do not know whether it was to appease his hunger, or merely to satisfy his blood lust. (6) Lev. XXII, 9. (7) I.e., a sin which leads to guilt in a number of ways. (8) Ibid. 16. (9) Ex. VI, 4. (10) The promise could be literally fulfilled only by the Patriarchs' resurrection. (11) An apt mnemonic, meaning lit., 'As to the Righteous, also the Body Riseth.' (12) Term used generally as a designation for Judeo-Christians. Herford, *Christianity in the Talmud*, pp. 231-4, conjectures that this discussion took place in Rome, whither R. Gamaliel journeyed in 95 C.E., since this is followed by 'The Romans asked R. Joshua.' He maintains that both sides accepted the fact of resurrection of the dead, the dispute being whether it is intimated in the Torah. The im-

[strength] belongs. And what is the meaning of 'and all faces are turned into paleness?'—R. Johanan said: [This refers to God's] heavenly family [i.e., the angels] and his earthly family [i.e., Israel,] when God says, These [the Gentiles] are my handiwork, and so are these [the Jews]; how shall I destroy the former on account of the latter?¹ R. Papa said: Thus men say, 'When the ox runs and falls, the horse is put into his stall.'²

R. Giddal said in Rab's name: The Jews are destined to eat [their fill] in the days of the Messiah.³ R. Joseph demurred: Is this not obvious; who else then should eat—Hilek and Bilek?⁴—This was said in opposition to R. Hillel, who maintained that there will be no Messiah for Israel, since they have already enjoyed him during the reign of Hezekiah.⁵ Jews to subjugate Christians
Rab said: The world was created only on David's account.⁶ Samuel said: On Moses' account;⁷ R. Johanan said: For the sake of the Messiah. What is his [the Messiah's] name?—The School of R. Shila said: His name is Shiloh, for it is written, *until Shiloh come.*⁸ The School of R. Yannai said: His name is Yinnon, for it is written, *His name shall endure for ever:*⁹ *e'er the sun was, his name is Yinnon.*¹⁰ The School of R. Haninah maintained: His name is Haninah, as it is written, *Where I will not give you Haninah.*¹¹ Others say: His name is Menaḥem the son of Hezekiah, for it is written, *Because Menaḥem [the comforter], that would relieve my soul,*

(1) I.e., the Almighty himself bewails Israel in the power of the Gentiles.¹² (2) To avenge the wrongs suffered by the Jews. Because the suffering would be so great that even the Almighty would lament it, R. Johanan desired to be spared the Messiah's coming. (3) The horse is made to replace it, but when the ox recovers, it is difficult to remove the horse. So the Israelites, having fallen, were replaced in power by the Gentiles; but on their recovery, it will be difficult to remove the Gentiles from their position without inflicting much suffering. (4) I.e., the years of plenty which the Messiah will usher in will be enjoyed by the Israelites. (5) Two fictitious names—'any Tom, Dick and Harry'—shall these years be enjoyed indiscriminately by anyone? (6) Therefore R. Giddal puts it in the future. (7) That he might sing hymns and psalms to God. (8) That he might receive the Torah. (9) Gen. XLIX, 10. (10) E.V. 'shall be continued'. (11) Ps. LXXII, 17. (12) Jer. XVI, 13. Thus each School evinced intense admiration of its teacher in naming the Messiah after him by a play on words.

is far.¹ The Rabbis said: His name is 'the leper scholar,' as it is written, *Surely he hath borne our griefs, and carried our sorrows: yet we did esteem him a leper, smitten of God, and afflicted.*²

R. Nahman said: If he [the Messiah] is of those living [to day], it might be one like myself, as it is written, *And their nobles shall be of themselves, and their governors shall proceed from the midst of them.*³ Rab said: If he is of the living, it would be our holy Master;⁴ if of the dead, it would have been Daniel the most desirable man.⁵ Rab Judah said in Rab's name: The Holy One, blessed be He, will raise up another David for us,⁶ as it is written, *But they shall serve the Lord their God, and David their king, whom I will raise up unto them:*⁷ not 'I raised up', but 'I will raise up' is said. R. Papa said to Abaye: But it is written, *And my servant David shall be their prince [nasi] for ever?*⁸—E.g., an emperor and a viceroy.⁹

R. Simlai expounded: What is meant by, *Woe unto you, that desire the day of the Lord! to what end is it for you? the day of the Lord is darkness, and not light.*¹⁰ This may be compared to a cock and a bat who were hopefully waiting for the light [i.e., dawn]. The cock said to the bat, 'I look forward to the light, because I have sight; but of what use is the light to thee?'¹¹ [99a] And thus a Christian said to R. Abbahu: 'When will the Messiah come?' He replied, 'When darkness covers those people.'¹² You curse me,' he exclaimed. He retorted, 'It is but a verse: *For, behold, the darkness shall cover the earth, and gross darkness the people: but the Lord shall shine upon thee, and his glory shall be seen upon thee.*'¹³

It has been taught: R. Eliezer said: The days of the Messiah

(1) Lam. I, 16. (2) Isa. LIII, 4. (3) Jer. XXX, 21: this description fitted R. Nahman, who, as the son-in-law of the Resh Galutha, enjoyed great power and prestige. (4) I.e., R. Judah the Nasi, generally called Rabbi par excellence. (5) [Preferably, if of the living, our holy Master (would be the type) of the Messiah; if of the dead, Daniel.] (6) Lit., 'for them'. (7) Ibid. XXX, 9. (8) Ezek. XXXVII, 25: prince (nasi) is a lower title than king. (9) The second David shall be the king, and the former David shall be his viceroy. (10) Amos V, 18. (11) Thus Israel should hope for the redemption, because it will be a day of light to them: but why should the Gentiles, seeing that for them it will be a day of darkness? (12) V. p. 604, n. 12. (13) Alluding to the questioner and his companions. (14) Isa. LX, 2.

*I will fill their treasures:*¹ now the numerical value of *yesh* is 310.²

It has been taught, R. Meir said: In the measure which one measures, so will there be [measured out] to him, as it is written, *In measure, when it shooteth forth, thou wilt contend with it*³ R. Judah said: But can we say thus: if one gives a handful [of charity] to a poor man in this world, shall the Holy One, blessed be He, give him *His hand full* in the next? Surely it is written, *and mete out heaven with the span*?—[He replied:] Do you not admit this? [Now consider:] Which measure is greater? That of goodness [i.e., reward] or of punishment? [100b] Surely the measure of reward is greater than that of punishment, for with respect to the measure of goodness it is written, *And he commanded the clouds from above, and opened the doors of heaven, And rained down manna upon them to eat*;⁴ whilst of the measure of punishment it is written, *And the windows of heaven were opened*.⁵ Yet, in respect of the measure even of punishment it is written, *And they shall go forth, and look upon the carcasses of the men that have transgressed against me, for their worm shall not die, neither shall their fire be quenched: and they shall be an abhorring unto all flesh*.⁶ But if one puts his fingers into the fire in this world, it is immediately burnt!⁷—But just as the Holy One, blessed be He, gives the wicked the strength to receive punishment, so does he give the righteous the capacity to receive reward.⁸

R. AKIBA SAID: ALSO HE WHO READS UNCANONICAL BOOKS etc. A Tanna taught: [This means], the books of the Sadducees.⁹ R. Joseph said: It is also forbidden to read the book of Ben Sira.

New Testament ✓

(1) Prov. VIII, 21. (2) Thus man's receptive capacity will be enormously increased—that too is the probable meaning of this statement. (3) Isa. XXVII, 8, i.e., in the same measure that sin spreads, so it is punished, and conversely, the same holds good of righteousness—the conception of 'measure for measure'. (4) Ps. LXXVIII, 23f. (5) Gen. VII, 11; 'doors' implies a greater opening than 'windows': i.e., God metes out reward more fully than punishment. (6) Isa. LXVI, 24. (7) How then can the bodies of the dead go on burning for ever in the next? (8) i.e., in both cases they are endowed with abnormal receptiveness. (9) This probably refers to the works of the Judeo-Christians, i.e., the New Testament. There were no Sadducees after the destruction of the Temple, and so 'Sadducees' is probably a censor's emendation for sectarians or Gentiles (Herford, *Christianity in the Talmud*, p. 333.) [MS. M. reads, *Minim*.]

Abaye said to him: Why so? Shall we say because there is written therein, 'Do not strip the skin [of a fish] even from its ear, lest thou spoil it, but roast it [all, the fish with the skin] in the fire, and eat therewith two [twisted] loaves'?¹ Now, if [you object to it in] its literal sense, the Torah too states, *Thou shalt not destroy the trees thereof*.² Whilst in a metaphorical sense, this teaches good taste,³ that one should not cohabit unnaturally. But if you take exception to the passage:⁴ 'A daughter is a vain treasure to her father: through anxiety on her account, he cannot sleep at night. As a minor, lest she be seduced; in her majority, lest she play the harlot; as an adult, lest she be not married;⁵ if she marries, lest she bear no children; if she grows old, lest she engage in witchcraft!' But the Rabbis have said the same: The world cannot exist without males and females; happy is he whose children are males, and woe to him whose children are females. Again if because of the following: 'Let not anxiety enter thy heart, for it has slain many a person!' But Solomon said likewise, *Anxiety in the heart of man yashhenna* {maketh it stoop}.⁶ R. Ammi and R. Assi [differ in its interpretation]: one rendered it, let him banish it from his mind, the other, 'let him relate it to others.'⁷ And if because it contains,

Withhold the multitude from thy house, and bring not every one into thy house!' But Rabbi said the same, for it has been taught, Rabbi said: One should never have a multitude of friends in his house, for it is written, *A man that hath many friends bringeth evil upon himself*.⁸ But because there is written therein, 'A thin-bearded man is very wise: a thick-bearded one is a fool: he who blows away [the froth] from off his glass [of liquor] is not thirsty; he who says, with what shall I eat my bread?—take the bread away

Place of women in the Talmud

(1) i.e., fish is fit for consumption even if baked or roasted with its skin, and therefore it is wasteful to remove it. (2) Deut. XX, 19, i.e., one must not wantonly destroy what is fit for use. (3) Lit., 'way of the earth.' (4) Ben Sira XLIII, 9-10. (5) V. p. 517 top. The reference is to the three stages: *בטנות, גמרות, קטנות*, minority, majority, and ripeness. (6) *יחזקיה*; Prov. XII, 25. (7) One connects it with *היטא (היטא)*, to discard from one's mind, the other with *יחזקיה*, to converse: but on either interpretation, the sentiment is the same as Ben Sira's. (8) Prov. XVIII, 24. Also Exh. 200

Our Rabbis taught: He who recites a verse of the Song of Songs and treats it as a [secular] air,¹ and one who recites a verse at the banqueting table² unseasonably,³ brings evil upon the world. Because the Torah girds itself in sackcloth, and stands before the Holy One, blessed be He, and laments before Him, 'Sovereign of the Universe! Thy children have made me as a harp upon which they frivolously play.' He replies, 'My daughter, when they are eating and drinking, wherewith shall they occupy themselves?' To which she rejoins, 'Sovereign of the Universe! If they possess Scriptural knowledge, let them occupy themselves with the Torah, the Prophets, and the Writings; if they are students of the Mishnah, with Mishnah, *halachoth*, and *haggadoth*;⁴ if students of the Talmud, let them engage in the laws of Passover, Pentecost and Tabernacles on the respective Festivals. R. Simeon b. Eleazar testified on the authority of R. Simeon b. Hanina: He who reads a verse in season [as just defined] brings good to the world, as it is written, *and a word spoken in season, how good is it.*⁵

ALSO ONE WHO WHISPERS OVER A WOUND etc. R. Johanan said: But only if he expectorates in doing so, because the Divine Name may not be expressed in conjunction with expectoration⁶ *magic*

It has been said, Rab declared: Even [the verse], *When the plague of leprosy* [etc.];⁷ R. Hanina said: Even, *And he called unto Moses.*⁸

Our Rabbis taught: One may oil and massage the bowels [of an

(1) I.e., not with its traditional cantillation (Rashi). (2) Lit., 'in the house of banquet.' (3) Making it the subject of a jest or secular amusement. (4) V. Glos. (5) Prov. XV, 23. (6) In uttering a charm one generally expectorated, the charm itself being usually a Biblical verse containing the Name of God. Thus the actual enchantment was done by means of the Biblical verse; a similar kind of enchantment was practised by the Essenes. In the opinion of some scholars, expectoration was the essential part of the charm, and L. Blau maintains that *וירוק* (expectorates) belongs to the original text of the Mishnah (Krauss, *Sanh.-Mak.* p. 220). (7) Lev. XIII, 9: though not containing the Divine Name its use as a magical formula is forbidden. (8) Lev. I, 1. Though this contains no mention of illness or disease, and is whispered only that one may be saved from illness through the merit of reading the Torah, it is still forbidden.

invalid] on the Sabbath¹ and snakes and serpents may be charmed [to render them tame and harmless] on the Sabbath, and an article may be placed over the eye on the Sabbath [to protect it]. R. Simeon b. Gamaliel said: This applies only to articles which may be handled;² but those which may not be handled³ are forbidden; nor may demons be consulted on the Sabbath. R. Jose said: This is forbidden even on week-days. R. Huna said: The *halachah* is (not⁴) as R. Jose, and even he said it only on account of its danger, as in the case of R. Isaac b. Joseph, who was swallowed up in a cedar tree, but a miracle was wrought for him, the cedar splitting and casting him forth⁵ *demonology*

Our Rabbis taught: The bowels may be oiled and massaged on the Sabbath, providing this is not done as on week-days.⁶ How then shall it be done?—R. Hama son of R. Hanina said: They must first be oiled, and then massaged.⁷ R. Johanan said: The oiling and massaging must be done simultaneously.

Our Rabbis taught: It is permitted to consult by a charm the spirits of oil or eggs⁸ but that they give false answers. Incantations are made over oil contained in a vessel, but not in the hand;⁹ therefore one may anoint with the latter, but not with the former.¹⁰

R. Isaac b. Samuel b. Martha chanced upon a certain inn. Some oil was brought to him in a vessel, with which he rubbed himself, whereupon blisters broke out on his face. He then went out to the market place, and was seen by a woman who observed: 'I see here the blast of Hamath.'¹¹

(1) Though a medicine is forbidden on that day. (2) E.g., a key, food-knife, and a ring. (3) E.g., every tool used in work which is forbidden on the Sabbath. (4) The Wilna Gaon deletes 'not'. (5) He consulted a demon, which turned itself into a tree and swallowed him; it was only through a miracle that he escaped. (6) To maintain a distinction between the Sabbath and the rest of the week. (7) On week-days massage preceded oiling (Rashi). (8) Every plant in the vegetable kingdom was believed to have its own presiding genius, which could be provoked by incantations; v. Gen. Rab. X, 6. Both eggs and oil were used for purposes of magic and in folk-medicine; cf. A. Marmorstein in *MGWJ* LXXII, p. 395. It is noteworthy from the present passage that the Talmud had no faith in these charms. (9) This ~~was~~ the practice, not a ruling. (10) Since it may have been used as a charm. (11) The name of a demon.

R. Nahman said: Even with such fury let the Merciful rage against us, but that He redeem us.

*For he doth chastise him to discretion, and his God doth teach him.*¹ Rabbah b. Bar Hana said: The prophet urged Israel, 'Return and repent.' They replied, 'We cannot: the Tempter² rules over us.' He said to them, 'Curb your [evil] desires.' They replied, 'Let His God teach us.' *More on Christ*

FOUR COMMONERS, VIZ., BALAAM, DOEG, AHITOPHEL, AND GEHAZI. Belo'-am [denotes without the people]⁽⁴⁾ Another explanation: Balaam denotes that he corrupted a people.⁽⁵⁾ The son of Beor [denotes] that he committed bestiality.⁽⁶⁾ A Tanna taught: Beor, Cushan-rishathaim and Laban the Syrian are identical; Beor denotes that he committed bestiality; Cushan-rishathaim, that he perpetrated two evils upon Israel: one in the days of Jacob,⁷ and the other in the days of the Judges.⁸ But what was his real name? Laban the Syrian.

Scripture writes, *the son of Beor*;⁹ [but also] his son [was] Beor.¹⁰ R. Johanan said: His father [Beor] was as his son in the matter of prophecy.¹¹ *(Covering up)*

Now only Balaam will not enter [the future world], but other [heathens] will enter.¹² On whose authority is the Mishnah [taught]? — On R. Joshua's. For it has been taught: R. Eliezer said, The wicked shall be turned into hell, and all the nations that forget God.¹³ The

(1) Isa. XXVIII, 26. (E.V. *For his God doth instruct him to discretion and doth teach him.*) (2) The Evil inclination, the *yezer hara'*. (3) I.e., 'Let God, who is master even over the Tempter, teach us to curb our desires.' This was in Rabbah b. Bar Hana's view the 'victorious answer' (Rashi). (4) בלא עם *Belo'am*, i.e., he has no portion in the future world together with other people. (5) בלע עם *balah'am*, [or בלע עם *balah'am*, 'he devoured the people,' *Aruch*]. Both meanings are a play of words on his name. The reference is to Israel, as explained further on. (6) Lit., had connection with an animal. Heb. *be'ir* בעיר. (7) When he pursued him, wishing to destroy him (Gen. XXVI, 23 et seqq.). (8) Judges III, 8; *Therefore the anger of the Lord was hot against Israel, and he sold them into the hand of Cushan-rishathaim, king of Mesopotamia*. *Rish'athaim* is taken as dual of *Rish'ah*, רשעה 'evil'. (9) Num. XXII, 5. (10) Ibid. XXIV, 3: *so בעור* may be translated. (11) I.e., he was a greater prophet than his father. (12) This follows as a corollary to the Mishnah. (13) Ps. IX, 17.

wicked shall be turned into hell—this refers to transgressors among Israel; and all the nations that forget God—to transgressors among the heathen.¹ This is R. Eliezer's view. But R. Joshua said to him: Is it stated, and [those] among all the nations?² Surely all the nations that forget God is written! But [interpret thus:] The wicked shall be turned into hell, and who are they?—all the nations that forget God.³ Now, that wicked man [Balaam] too gave a sign for himself [that he would not enter the future world by saying, Let me die the death of the righteous—meaning, If I die the death of the righteous [i.e., a natural death], my last end will be like his;⁴ but if not [i.e., if I die a violent death], then behold I go unto my people].⁽⁶⁾

And the elders of Moab and the elders of Midian departed.⁷ A Tanna taught: There was never peace between Midian and Moab. The matter may be compared to two dogs in one kennel which were always enraged at each other. Then a wolf attacked one, whereupon the other said, If I do not help him, he will kill him to-day, and attack me to-morrow; so they both went and killed the wolf. R. Papa observed: Thus people say, 'The weasel and cat [when at peace with each other] had a feast on the fat of the luckless.'

And the princes of Moab abode with Balaam.⁸ But whither had the princes of Midian gone?—As soon as he said to them, Lodge here this night, and I will bring you word again, [as the Lord shall speak unto me],⁹ they reasoned, Does any father hate his son!¹⁰ R. Nahman said: Impudence, even against Heaven, is of avail: at first it is written, Thou shalt not go with them;¹¹ yet subsequently it is said, Rise up, and go with them.¹² R. Shesheth said: Impudence is sovereignty without a crown,¹³ for it is written, And I am this day weak, *more on Jesus*

(1) [Heathens, however, who do not forget God will share the bliss of eternal life.] (2) Which would denote only some of them. (3) [Yad Ramah preserves a more preferable reading: 'this refers to the heathen. This is R. Eliezer's view. But R. Joshua said to him: Is it stated, and all nations, surely all nations etc.', i.e., without a *vav* copulative, and hence in apposition to the first clause.] (4) Num. XXIII, 10. (5) I.e., 'I will enter the world to come.' (6) Ibid. XXIV, 14; i.e., into the Gehenna. (7) Ibid. XXII, 7. (8) Ibid. 8. (9) Ibid. (10) They knew that it was useless to wait. (11) Ibid. 12. (12) Ibid. 20. [His insistence wrested from God His consent for him to go.] (13) I.e., it wields great power, and lacks nothing but a crown.

though anointed king, and these men the sons of Zeruah be too hard for me.¹

R. Johanan said: Balaam limped on one foot, as it is written, And he walked haltingly.² Samson was lame in both feet, as it is written, [Dan shall be a serpent by the way,] an adder in the path that biteth the horse's heels.³ Balaam was blind in one eye, as it is said, [and the man] whose eye is open . . .⁴ He practised enchantment by means of his membrum. For here it is written, falling, but having his eyes open; whilst elsewhere is written, And Haman was follen on the bed whereon Esther was.⁵ **Talmudic obscenity - Jesus**

It was stated, Mar Zutra said: He practised enchantment by means of his membrum. Mar the son of Rabina said: He committed bestiality with his ass. The view that he practised enchantment by means of his membrum is as was stated. The view that he committed bestiality with his ass [is because] here it is written, He bowed,⁶ he lay down as a lion and as a great lion;⁷ whilst elsewhere it is written, At her feet [105b] he bowed, he fell⁸ **misuse of Bible as**

And knoweth the mind⁹ of the most High.¹⁰ Now, seeing that he did not even know the mind of his ass, could he know the mind of the most High! What [is this about] the mind of his ass? — For they [the elders] said to him, 'Why didst thou not ride upon thy horse?' He replied, 'I have put it [to graze] in the dewy pastures.' But the ass said to him, 'Am I not thine ass?'¹¹ — 'Merely for carrying loads'

(1) II Sam. III, 39. Thus their boldness and impudence outweighed sovereignty.
(2) Num. XXIII, 3. (3) Gen. XLIX, 17. According to tradition, this was a prophecy of Samson; 'An adder in the path' is taken to mean that he would have to slither along like an adder, being lame in both feet. (4) Num. XXIV, 3. Since 'eye' is in the singular, it follows that only one eye was open, the other being sightless. (5) Est. VII, 8. (6) E.V. 'he couched'. (7) Num. XXIV, 9. (8) Judges V, 27. This is taken to refer to sexual intercourse, and hence the first verse quoted is interpreted as referring to this likewise. That is the explanation according to our reading. But the verse he couched, he lay down as a lion, etc. refers not to Balaam but to Israel; this, of course, destroys the whole argument. In consequence the Wilna Gaon deletes this verse. The passage then reads: The view that he had sexual intercourse is deduced from, At her feet he bowed, he fell: just as 'falling' in this verse denotes cohabitation, so also in 'falling, but having his eyes open', V.D.S. a.l. (9) E.V. 'knowledge'. (10) Num. XXIV, 16. (11) Ibid. XXII, 30; thus affirming that it was his usual wont to ride upon her, not upon a horse.

[he replied]. 'Upon which thou hast ridden.' — 'That was only by chance.' 'Ever since I was thine until this day,' [she added]. 'Moreover, I serve thee as a companion by night.' Here is written, Was I ever wont to do so unto thee;¹ whilst elsewhere it is written, And let her be his companion.² What then is meant by knowing the mind of the most High? — He knew how to gauge the exact moment when the Holy One, blessed be He, is angry; and that was what the prophet said to Israel: O my people, remember now what Balak king of Moab consulted, and what Balaam the son of Beor answered him from Shittim unto Gilgal; that ye may know the righteousness of the Lord.³ What is meant by that ye may know the righteousness of the Lord? — The Holy One, blessed be He, said to Israel: Know now how many acts of charity I performed for you in that I did not become angry all that time, in the days of Balaam the Wicked; for had I waxed angry during that time none would have remained or been spared of Israel's enemies.⁴ And thus Balaam said to Balak, How shall I curse, whom God hath not cursed? or how shall I rage, when the Lord hath not raged?⁵ This teaches that for the whole of that time the Lord had not been wroth.⁶ [But normally] God is angry every day.⁷ And how long does His anger last? — A moment, as it is written, For his anger endureth but a moment; in his favour is life etc.⁸ Or, if you like, deduce it from this verse. Come, my people, enter into thy chambers, and shut thy doors about thee: hide thyself as it were for a little moment, until the indignation be overpast.⁹ Now, when is He angry? — In the first three hours [of the day], when the comb of the cock is white. But at all times it is white! — At all other times it has red streaks, but at that moment [of God's anger] there are no red streaks in it. **Jesus a "fool"**

A sectarian¹⁰ lived in the neighbourhood of R. Joshua b. Levi, who used to vex him. One day he took a fowl, tied it to the foot

(1) Ibid. XXII, 30. (2) I Kings I, 2. In both cases a word from root po is used. Thus we see that he did not even know his beast's mind, not being able to anticipate her answers. How then could he claim to know the mind of God? (3) Micah VI, 5. (4) A euphemism for Israel; v. p. 622, n. 1. For Balaam's curse pronounced at the very moment of My anger, would have been effective. (5) Num. XXIII, 8. (6) i.e., He was never angry during that period. (7) Ps. VII, 12. (8) Ibid. XXX, 5. (9) Isa. XXVI, 20. (10) Heb. Min, v. Glos. **Christian**

[of his bed]¹ and sat down, saying, When that moment comes,² I will curse him. But when that moment came, he dozed off. This proves, said he, that it is not fitting [to do this], for it is written, *Also to punish, is not meet* ['good'] *for the righteous*.³ even of a sectarian, one should not speak thus.⁴

A Tanna taught in the name of R. Meir: When the sun shines and kings place their crowns upon their heads and adore the sun, immediately [the Almighty] becomes wroth.

And Balaam rose up in the morning, and saddled his ass.⁵ A Tanna taught on the authority of R. Simeon b. Eleazar: Love disregards the rule of dignified conduct. [This is deduced] from Abraham, for it is written, *And Abraham rose up early in the morning, and saddled his ass*.⁶ Hate likewise disregards the rule of dignified conduct: [this is deduced] from Balaam, for it is written, *And Balaam rose up in the morning, and saddled his ass*. Jesus The "Hateful"

Rab Judah said in Rab's name: One should always occupy himself with Torah and good deeds, though it be not for their own sake,⁷ for out of good work misapplied in purpose there comes [the desire to do it] for its own sake. For as a reward for the forty-two sacrifices offered up by Balak, he was privileged that Ruth should be his descendant;⁸ [as]⁹ R. Jose b. Huna said: Ruth was the daughter of Eglon, the grandson of Balak, king of Moab.

Raba said to Rabbah b. Mari: It is written, [And moreover the king's servants came to bless our lord king David, saying] God make the name of Solomon better than thy name, and make his throne greater than

more on Magic

(1) 'Of his bed' is supplied from Ber. 7a, where this story is repeated. Magical properties were ascribed to the feet of a bed. V. A. Marmorstein in MGWJ. 1927, p. 44 and 1928, p. 391, et seqq., where a number of instances are given both from Talmudic and non-Talmudic literature of the feet of a bed being used in magic. For variants in the whole passage, cf. A.Z. 4a. (2) When its comb is entirely white. (3) Prov. XVII, 26. (4) I.e., one must not curse even a sectarian. (5) Num. XXII, 21. (6) Gen. XXII, 3. Though the saddling of an ass is not work becoming for a great man, yet in his love to God and eagerness to carry out his commands, Abraham did it. (7) V. next note. (8) Though Balak offered up these sacrifices for a most unworthy purpose—viz. that Balaam might thereby be enabled to curse Israel—he was nevertheless rewarded for it, shewing that it has some merit. (9) V. Hor. 10b.

And he looked on the Kenite, and took up his parable.¹ Balaam said to Jethro, 'Thou Kenite, wast thou not with us in that scheme?'² Who then placed thee among the strong ones of the world!'³ And that is what R. Hiyya b. Abba said in R. Simai's name: Three were involved in that scheme,⁴ viz., Balaam, Job, and Jethro. Balaam, who advised it, was slain; Job, who was silent,⁵ was punished through suffering; and Jethro, who fled—his descendants were privileged to sit in the Hall of Hewn Stones, as it is written, *And the families of the scribes which dwell at Jabez, the Tirathites, the Shemeathites, and Suchathites. These are the Kenites that came of Hemath, the father of the house of Rechab*;⁶ whilst elsewhere it is written, *And the children of the Kenite, Moses' father in law, went up out of the city of palm trees*.⁷

Jesus maligned

And he took up his parable, and said, Alas, who shall live when God doeth this!⁸ R. Simeon b. Lakish said: Woe unto him who maketh himself alive by the name of God.⁹ R. Johanan said: Woe to the nation that may be found [attempting to hinder], when the Holy One, blessed be He, accomplishes the redemption of his children: who would throw his garment between a lion and a lioness when these are copulating!¹⁰ God and "Israel", like the

And ships shall come from the coast of Chittim.¹¹ Rab said: This refers to the White Legion.¹² And shall afflict Asshur, and shall afflict abominating male and female gods, are represented as "copulating"

(1) Num. XXIV, 21. (2) To destroy Israel through Pharaoh's decree: Every son that is born ye shall cast into the river—Ex. I, 22—Of course thou wast! (3) A metaphor for the Sanhedrin situated in the Hall of Hewn Stones, which counted amongst its members Jethro's descendants. That is the meaning of Strong is thy dwelling place. (4) V. n. 2. (5) Not voicing his disapproval. (6) I Chron. II, 55. (7) Judges I, 16. (8) Num. XXIV, 23. (9) לֹא יִשְׁמַח בְּשֵׁם יְהוָה is read לֹא יִשְׁמַח בְּשֵׁם יְהוָה. [Herford, op. cit. 74ff. sees in this a covert allusion to Jesus.] (10) So also, woe to the nation that would come between God and Israel when He is redeeming them to bring them to Himself (11) Ibid. 24. (12) לִיּוֹן אַשּׁוּר. So Levy, adopting the reading לִיּוֹן (λευκόν) אַשּׁוּר (σπειρά). Funk, Schwarz Festschrift, p. 248, takes אַשּׁוּר as the Persian aswâr, 'knight', and renders 'a legion of knights' (cf. Lat. ferreus equitatus). The verse is accordingly interpreted: 'Legions will come from the Coast of Chittim, etc.' the Chittim being taken to denote Rome, (cf. Targ. Yerushalmi a.l.). Jastrow regards the whole passage as an interpolation of the eighth or ninth century, and as referring to Leo the Isaurian, the Byzantine

Eber: 'Until Asshur, they shall slay; after that, they shall throw into subjection.' Jesus "corrupts" — harlotry

And now, behold I go unto my people; come, therefore, and I will advertise thee what this people shall do to thy people in the latter days. But he should have said, What thy people shall do to this people? — R. Abba b. Kahana said: It is as one who, cursing himself, refers his malediction to others. He [Balaam] said thus to him [Balak]. 'The God of these hates lewdness, and they are very partial to linen. Come, and I will advise thee. Erect for them tents enclosed by hangings, in which place harlots, old women without, young women within, to sell them linen garments.' So he erected curtained tents from the snowy mountain [Hermon] as far as Beth ha-Yeshimoth [i.e., right from north to south], and placed harlots in them — old women without, young women within. And when an Israelite ate, drank, and was merry, and issued forth for a stroll in the market place, the old woman would say to him, 'Dost thou not desire linen garments?' The old woman offered it at its current value, but the young one for less. This happened two or three times. After that she would say to him, 'Thou art now like one of the family; sit down and choose for thyself.' Gourds of Ammonite wine lay near her, and at that time Ammonite⁷ and heathen wine had not yet been forbidden. Said she to him, 'Wouldst thou like to drink a glass of wine?' Having drunk, [his passion] was inflamed, and he exclaimed to her, 'Yield to me!' Thereupon she brought forth an idol from her bosom and said to him, 'Worship this!' 'But I am a Jew', he

As under Jewish Communism
Emperor, leader of the iconoclastic movement which caused a long war between the East and the West of the Empire.

(1) Ibid. (2) The nations which shall conquer each other — referred to in the words 'and ships' shall, up to Asshur, completely destroy the defeated. But after that a victorious nation shall merely enthrall its victim, but not destroy it. (3) Ibid. 14. (4) According to Rabbinic tradition, he advised the Moabites to ensnare Israel through unchastity. Thus, he was referring to an action by the former to the latter, whilst Scripture suggests the reverse. (5) I.e., makes others the object thereof, though meaning himself, so Scripture, alluding to Israel's disgrace, makes it appear that the allusion is really to Moab. (6) Linen garments were worn by the wealthy and noble; cf. Gen. XLI, 42; Ex. XXVIII, 39. (7) This is omitted in the Yalkut and Tanhuma.

protested. 'What does that concern thee?' she rejoined, 'nothing is required but that thou should uncover thyself' — whilst he did not know that such was its worship. 'Nay', [said she,] 'I will not leave thee ere thou hast denied the Torah of Moses thy teacher,' as it is written, They went in to Baal-peor, and separated themselves unto that shame, and their abominations were according as they loved.¹

And Israel abode in Shittim.² R. Eliezer said: Its name was Shittim. R. Joshua said: They engaged in ways of folly [shetuth],³ And they called the people unto the sacrifices of their gods.⁴ R. Eliezer said: They met them naked.⁵ R. Joshua said: They were all excited to pollution.⁶ More filth tied to Jesus

What is the meaning of Rephidim?⁷ — R. Eliezer said: Rephidim was its name. R. Joshua said: [It was so called] because there they slackened in [their loyalty to] the Torah, as it is written, The fathers shall not look back to their children for feebleness of hands.⁸

R. Johanan said: Wherever [Scripture] writes 'And he abode [or dwelt]', it denotes trouble. Thus: And Israel abode in Shittim — and the people began to commit whoredom with the daughters of Moab;⁹ And Jacob dwelt in the land where his father was a stranger, in the land of Canaan —¹⁰ and Joseph brought unto his father their evil report;¹¹ And Israel dwelt in the land of Egypt, in the country of Goshen —¹² And the time drew near that Israel must die;¹³ And Judah and Israel dwelt safely, every man under his vine and under his fig tree —¹⁴ And the Lord stirred up an adversary unto Solomon, Hadad the Edomite; he was the king's seed in Edom.¹⁵ They kill Jesus

And they slew the kings of Midian, beside the rest of them that were slain... Balaam also the son of Beor they slew with the sword.¹⁶ What business had Balaam there? — R. Jonathan said: He went to receive

(1) Hosea IX, 10; i.e., they separated themselves from Moses' teaching. (2) Num. XXV, 1. (3) שטות. (4) Ibid. 2. (5) They called — i.e., they attracted them by their naked bodies. (6) Deriving מקרא from קרי, the usual euphemism for semen. (7) Having discussed the meaning of one place name, the Talmud proceeds to discuss another: Then came Amalek and fought with Israel in Rephidim — Ex. XVII, 8. (8) Jer. XLVII, 3. This is quoted to shew that רפה which he assumes to be the root of Rephidim, connotes weakness. (9) Ibid. (10) Gen. XXXVII, 1. (11) Ibid. 3. (12) Ibid. XLVII, 27. (13) Ibid. 29. (14) I Kings V, 5. (15) Ibid. XI, 14. (16) Num. XXXI, 8.

Mary a "harlot" ^{SANHEDRIN Ex. 114 106a-106b}
his reward for the twenty-four thousand Israelites whose destruc-
tion he had encompassed. ¹ Mar Zutra b. Tobiah remarked in Rab's
name: This is what men say, 'When the camel went to demand
horns, they cut off the ears he had.' ² (4 deaths for Jesus)

Balaam also the son of Beor, the soothsayer, [did the children of Israel
slay with the sword]. ³ A soothsayer? But he was a prophet!—R. Jo-
hanan said: At first he was a prophet, but subsequently a sooth-
sayer. ⁴ R. Papa observed: This is what men say, 'She who was
the descendant of princes and governors played the harlot with
carpenters.' ⁵ [106b] Did the children of Israel slay with the sword among
them that were slain by them. ⁶ Rab said: They subjected him to four
deaths, stoning, burning, decapitation and strangulation. ⁷

A certain min ⁸ said to R. Hanina: Hast thou heard how old
Balaam was?—He replied: It is not actually stated, but since it is
written, Bloody and deceitful men shall not live out half their days, ⁹ [it
follows that] he was thirty-three or thirty-four years old. ¹⁰ He
rejoined: Thou hast said correctly; I personally have seen Balaam's
Chronicle in which it is stated, 'Balaam the lame was thirty years
old when Phinehas the Robber killed him.' ¹¹ Refers to Jesus

(1) V. ibid., XXV, 1-9: since Israel was thus seduced and punished through
his advice, as stated above, he demanded payment. (2) So Balaam, demanding
a reward, lost his life. (3) Joshua XIII, 22. (4) As a punishment for wishing
to curse Israel he was degraded from a prophet to a soothsayer. (5) 'Ship-
druggers, (v. Rashi). Herford, Christianity in the Talmud, p. 48, suggests that
Balaam is frequently used in the Talmud as a type for Jesus (v. also pp. 64-70).
Though no name is mentioned to shew which woman is meant, the mother of
Jesus may be alluded to, which theory is strengthened by the statement that
she mated with a carpenter. (The Munich MS. has נביר in the margin instead
of נבירי, i.e., singular instead of plural.) (6) Ibid. (7) This is suggested by
the use of the plural 'among them that were slain by them,' intimating that the various
deaths inflicted upon others were all suffered by Balaam. Thus he was hung
(strangulation), a fire was lit under him (burning), his head was struck off (de-
capitation), and then he was allowed to fall to earth (stoning); v. Supra 45a.
(8) Heretic, v. Glos. (9) Ps. LV, 24. (10) cf. p. 471, n. 1. (11) [According to
the view that all the Balaam passages are anti-Christian in tendency, Balaam
being used as an alias for Jesus, Phinehas the Robber is thus taken to represent
Pontius Pilatus, and the Chronicle of Balaam probably to denote a Gospel (v.
Herford op. cit. 72ff.). This view is however disputed by Bacher and others
cf. Ginsberg, Journal of Biblical Literature, XLI, 121.] See Exh. 274

Mar, the son of Rabina, said to his sons: In the case of all [those
mentioned as having no portion in the future world] you should
not take [the Biblical passages dealing with them] to expound them
[to their discredit], excepting in the case of the wicked Balaam:
whatever you find [written] about him, lecture upon it [to his
disadvantage]. — Jesus meant — They do it

Scripture writes Doeg¹ and Doeeg.² R. Johanan said: At first
the Holy One, blessed be He, sits and is anxious lest one go out on
an evil course. But when he has done so, He exclaims, 'Woe, that
he has entered [on an evil path]!' See Exh. 274

(Mnemonic: The Mighty, Wicked, Righteous, Riches, Scribe.)

R. Isaac said: What is meant by the verse, Why boastest thou thy-
self in mischief, O mighty man? The goodness of God endureth continually?
—The Holy One, blessed be He, said to Doeg,⁴ 'Art thou not a
mighty man in Torah? Why then boastest thou thyself in mischief?'
Is not the love of God continually spread over thee? R. Isaac also
said: What is meant by the verse; But unto the wicked God sayeth,
What hast thou to do to declare my statutes?⁶ The Holy One,
blessed be He, said to the wicked Doeg, 'What hast thou to do to
declare [i.e., study] my statutes: when thou comest to the sections
dealing with murderers and slanderers, how dost thou expound
them?'⁷ Or that thou shouldst take my covenant in thy mouth?⁸ R. Ammi
said: Doeg's learning was only from the lips without.⁹ R. Isaac also
said: What is meant by the verse, The righteous also shall see, and
fear, and shall laugh at him?¹⁰—At first they shall fear [the wicked
person], but subsequently laugh at him. R. Isaac also said: What is
meant by the verse, He hath swallowed down riches, and he shall vomit
them up again: God shall cast them out of his belly?¹¹ David pleaded
before the Holy One, blessed be He, 'Sovereign of the Universe!
Let Doeg die!' He replied, 'He hath swallowed down riches, and he shall

(1) I Sam. XXI, 8. נמנ denoting 'anxious'. (2) Ibid. XXII, 18. נמנ with letters
? 'woe' being inserted. (3) Ps. LII, 3. (4) The psalm deals with Doeg; v.
superscription in v. 2. (5) i.e., to slander David and Abimelech for succouring
him. (6) Ibid. L, 16. (7) Seeing that thou art both. (8) Ibid. (9) i.e., it did
not penetrate into his heart and mould his character. (10) Ibid. LII, 8.
(11) Job XX, 15.

ried woman?" I reply to them, "He who commits adultery with a married woman is executed by strangulation, yet has he a portion in the world to come. But he who publicly puts his neighbour to shame has no portion in the world to come."

Rab Judah said in Rab's name: Even during David's illness he fulfilled the conjugal rights¹ [of his eighteen wives], as it is written, I am weary with my groaning: all the night make I my bed to swim; I water my couch with my tears² Rab Judah also said in Rab's name: David wished to worship idols, as it is written, And it came to pass, that when David was come to the head, where he worshipped God.³ Now rosh ['head'] can only refer to idols, as it is written, This image's head was of fine gold.⁴ [But] Behold, Hushai the Archite came to meet him with his coat rent, and earth upon his head.⁵ He remonstrated with David, 'Shall people say, A king like thee has worshipped idols!' He replied, 'And shall a king like myself be slain by his son! Let me worship idols rather than that the Divine Name be publicly profaned!'⁶ He retorted, 'Why then didst thou marry a beautiful woman [captured in battle]?'⁷ He replied, 'The Merciful One permitted a beautiful woman.' He rejoined, 'Dost thou not interpret the proximity of verses? For in proximity thereto⁸ is written, If a man have a stubborn and rebellious son;⁹ [this teaches:] Whoever marries a beautiful woman [taken in battle] will have a stubborn and rebellious son.'

R. Dosetai of Beri¹⁰ expounded: Unto whom may David be likened? Unto a heathen merchant.¹¹ David said before the Holy One, blessed be He, 'Sovereign of the Universe! [Who can understand his errors?]'¹² He replied, 'They are forgiven thee.' Cleanse thou me

A psalm of repentance and beauty

(1) Lit., 'eighteen marital duties.' (2) Ibid. VI, 7. (3) II Sam. XV, 32. (4) Dan. II, 32. (5) II Sam. Ibid. (6) For then it would be said that Absalom had slain him because of his idolatry, which would justify him and his supporters. (7) Absalom's mother, Maachah the daughter of Talmai, king of Geshur, was, according to tradition, a war captive. (8) I.e., the section permitting a beautiful woman captured in battle. (9) Deut. XXI, 18. (10) [Near Safed, v. Horowitz, I.S., *Palestine and the Adjacent Countries*. s.v. כירי] (11) Who begins by offering small wares; emboldened by his success, he presses more and more upon the purchaser. So David made a small request of God: it being granted, he proceeded to ask for more and more. (12) Ps. XIX, 13; i.e., he asked pardon for sins committed in error.

eruption on his head. 'Thou wicked man,' he cried, 'the time has come for thee to receive thy reward [for studying the laws] of the eight reptiles!'¹ [So] 'The leprosy therefore of Naaman shall cleave unto thee, and unto thy seed for ever.' And he went out from his presence a leper as white as snow² JESUS ✓

And there were four leprous men at the entering in of the gate.³ R. Johanan said: They were Gehazi and his three sons. It was taught, R. Simeon b. Eleazar said: Human nature,⁴ a child and a woman — the left hand should repulse them, but the right hand bring them back.⁵ (Tries to seduce woman — is "excommunicated" worships a brick seducer of Israel etc.) Exh. 277

(1) That is the meaning of 'Is it a time to receive money, and . . . garments, and oliveyards etc.' — Eight objects are enumerated, corresponding to the eight reptiles, the former being referred to by Elisha as a fit reward for studying the latter. (2) II Kings V, 27. [The uncensored edition continues: What of R. Joshua b. Perahyah? — When King Iannai slew our Rabbis, R. Joshua b. Perahyah (and Jesus) fled to Alexandria of Egypt. On the resumption of peace, Simeon b. Sheṭach sent to him: From me, (Jerusalem) the holy city, to thee, Alexandria of Egypt (my sister). My husband dwelleth within thee and I am desolate.' He arose, went, and found himself in a certain inn, where great honour was shewn him. 'How beautiful is this Acsania!' (The word denotes both inn and innkeeper. R. Joshua used it in the first sense; the answer assumes the second to be meant.) Thereupon (Jesus) observed, 'Rabbi, her eyes are narrow.' 'Wretch,' he rebuked him, 'dost thou thus engage thyself.' He sounded four hundred trumpets and excommunicated him. He (Jesus) came before him many times pleading, 'Receive me!' But he would pay no heed to him. One day he (R. Joshua) was reciting the Shema, when Jesus came before him. He intended to receive him and made a sign to him. He (Jesus) thinking that it was to repel him, went, put up a brick, and worshipped it. 'Repent,' said he (R. Joshua) to him. He replied, 'I have thus learned from thee: He who sins and causes others to sin is not afforded the means of repentance.' And a Master has said, 'Jesus the Nazarene practised magic and led Israel astray.' For a full discussion of this passage and attempted explanation of this anachronism making Jesus a contemporary of King Iannai (104-78 B.C.E.), v. Herford, *op. cit.* 51ff. [The tradition of an early Jesus was also known to Epiphanius. Whether he derived this tradition from the Talmud or from an independent source is a moot point hotly contested by Klausner and Guttman; v. *MGWJ*, 1931, 250ff. and 1933, 38. In any case there does not appear to be sufficient data available to account for this tradition.] (3) Ibid. VII, 3. (4) [Heb. yezer, יצר, v. Lazarus, *Ethics*, II, 106ff.] (5) One must not attempt to subdue his desires altogether, which is unnatural, but to regulate them. In chiding a child and a woman, one must not be too severe,

Exhibit 116 GENERAL INDEX (of Sanhedrin)

- Jastrow, M., 65, 113, 151, 157, 204, 375, 405, 433, 436, 440, 444, 504, 543, 548, 574, 586, 610, 637, 639, 647, 653, 654, 666, 709, 711, 722, 740, 744.
- Javelin, 161.
- Jaw, 398.
- J. E., 119, 163, 238, 394, 400, 410, 447, 548, 576, 669, 727.
- Jealousy, 720.
- Jechoniah, 238, 325.
- Jehoiakim, 544, 699, 700, 703, 704, 706.
- Jehoshaphat, 24, 251, 593.
- Jehu, 691.
- Jeremiah, 592, 638, 714.
- Jericho, 46, 289, 778, 779, 780.
- Jeroboam I, 308, 309, 602, 647, 688, 689, 692, 693, 694, 695, 702, 713, 735.
- Jerome, 740.
- Jerusalem, 2, 3, 47, 48, 49, 50, 67, 68, 85, 97, 110, 113, 131, 153, 161, 185, 196, 204, 235, 275, 279, 350, 434, 449, 471, 474, 480, 544, 572, 585, 589, 603, 608, 633, 635, 636, 639, 646, 649, 650, 651, 652, 653, 662, 678, 690, 692, 702, 707, 711, 736, 746, 775, 776, 777.
- Jest, 65, 664, 684.
- Jester, 250.
- Jesus, 304, 378, 417, 456, 722, 725, 735, 736. *See also* Yeshu.
- Jethro, 230, 546, 547, 632, 705, 722.
- Jewels, 678, 744.
- Jewish Christians, 400. *See also* Judeo-Christians.
- Jews, 243, 246, 247, 249, 323, 397, 398, 460, 487, 503, 504, 529, 531.
- Jezebel, 177, 252, 253.
- Joab, 324f, 326f, 329, 641.
- Joash, 643.
- Job, 722.
- Jochebed, 102.
- Johanan the Scribe, 48.
- Joint, 253.
- Jonah son of Amittai, 593, 594.
- Jonathan b. Uzziel, 635.
- son of Saul, 49, 626, 706.
- the Maccabee, 300.
- Jordan, 285, 288, 636, 735.
- Jose smite Jose, 378, 407, 549.
- Joseph, 102, 103, 104, 252, 615, 692, 704, 756.
- Joseph, M., 374, 446, 713.
- Joseph the Father, 378.
- Josephus, 97, 99, 204, 353, 457, 608, 690.
- Joshua, 3, 33, 45, 85, 86, 104, 227, 283, 284, 285, 287, 288, 289, 291, 316, 340, 457, 504, 614, 720, 762, 779.
- b. Gamala, 103.
- the High Priest, 624f.
- Josiah, 325, 706.
- Jotapata, 204.
- Jotham, 706.
- JQR, 484, 682.
- Jubilee, 43, 255, 261.
- Judah, 22, 326, 608, 694, 713, 769.
- Hasid, 630.
- Judaism, 232, 332ff, 382, 397, 503, 602, 672.
- Judea, 50, 83, 98, 153, 204, 747.
- Judeo-Christians, 378, 604, 672. *See also* Jewish Christians.
- Judge, 7, 8, 15, 16, 20 *et passim*.
- choice, of. *See* Choosing.
- disqualification in. *See* Disqualifications.
- Judges, appointed by Moses, 90.
- appointment of, 586.
- number required. *See* Courts, composition of.
- Judgment, the last, 737, 738.
- legal, 19, 21, 22, 27, 34, 183.

KETHUBOTH

Exhibit 119

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

PAGES 1 TO 198

BY

RABBI DR SAMUEL DAICHES

BARRISTER AT LAW

PAGES 198 TO THE END

BY

REV. DR ISRAEL W. SLOTKI, M. A., Litt. D

IN TWO VOLUMES

I

LONDON
THE SONCINO PRESS

1936

INTRODUCTION

Exhibit 120

Kethuboth, the second Tractate of the Order of Nashim, deals in the main with the laws relating to married life in its various aspects and manifestations, enumerating, discussing and defining the privileges and duties of husband and wife in their mutual relationship from the day of their betrothal. Cognate subjects, such as questions of immoral conduct and infidelity, and the relative rights of a father and husband, and other topics bearing directly or indirectly upon the main theme are introduced as amplifications, illustrations and elucidations or as part of the arguments and discussions.

CHAPTER I, beginning with the institution of marriage, fixes the week-days on which marriages are to be solemnized and determines the form and number of, and the restrictions applicable to, the benedictions ordained for the occasion. The minimum amounts of the *kethubah* to which virgins, widows, divorcees or other women belonging to the various strata of social and religious life are entitled, and the conditions governing the forfeiture of her *kethubah* by a wife in the absence of her virginity, are duly indicated. The age at which a child may be admitted as a proselyte and the circumstances in which this is allowed are incidentally introduced. Other subjects dealt with include the questions of the reliability of a woman's testimony concerning the status or the innocence of a man with whom she had had intercourse and the conditions in which a ravished girl is not necessarily debarred from marrying a priest.

(1) כתובות is the pl. of the noun כתובה (rt. כתב, 'to write') prob. of the form כתובות with ו in place of the תבבז. If it is regarded as the particip. pass. fem. pl. of כתב the vocalization should be כתובות. The noun denotes generally anything that 'is written', but in a technical or legal connotation it is applied to (a) a marriage deed, (b) the statutory sum that is due to a wife in the event of her husband's death or on being divorced, or (c) a wife's jointure or settlement which her husband assigns to her voluntarily or in return for assets that she brings to him on marriage. As the laws and discussions relating to these and cognate subjects constitute its main body the entire Tractate assumed the name of *Kethuboth*.

For a Master said: This one¹ [is used for measuring] the span;² this one³ [is used for] taking a fistful of the meal-offering.⁴ this one⁵ [is used for defining] the cubit measure,⁶ this one⁷ [is used for taking the measure of] 'a finger'.⁸ [and] this one⁹ [is used for service with] the thumb!¹⁰ — But [the question is] why¹¹ [are the fingers] pointed like pegs? [The reason is] that if a man hears an unworthy thing he shall plug his fingers into his ears. [A member] of the school of R. Ishmael taught: Why is the whole ear hard and the ear-lap soft? [So] that if a man hears an unworthy thing he shall bend the ear-lap into it.¹² pp. 18-25 on same

Our Rabbis taught: A man shall not let his ears hear idle things,¹³ because they are burnt first of [all] the organs.¹⁴ Subject

The question was asked: Is it allowed¹⁵ to perform the first marital act on Sabbath?¹⁶ Is the blood [in the womb] stored up?¹⁷ or is it the result of a wound?¹⁸ And if you will say¹⁹ [that] the blood is stored up [in the womb, then the question arises:] is he concerned about the blood,²⁰ and it is allowed; or is he concerned whether intercourse is "labor"

(1) The little finger. (2) I.e., the distance from the little finger to the thumb of a spread hand. (3) The finger next to the little finger. (4) קְטִיצָה, the taking of a fistful of the meal-offering, v. Lev. II, 2. (5) The middle finger. (6) The cubit is a measure equal to the distance from the elbow to the tip of the middle finger. (7) The fourth from the little finger. (8) And also for priestly service with the 'finger'; cf. Lev. IV, 6. (9) The fifth from the little finger. (10) V. Lev. VIII, 23, 24; XIV, 14, 17, 25, 28. We thus see that every finger has a definite purpose. They therefore had to be divided and function as separate fingers! (11) Lit., 'what is the reason (that)?' (12) Into the ear. He will thus close the ear and not hear the unworthy thing. (13) Not only unworthy things, but even idle things a man should not hear, e.g., tittle-tattle. (14) Lit., 'of the limbs.' 'Because they are burnt first of (all) the organs' seems to have a figurative meaning. From hearing unworthy or idle things he may proceed to speak unworthy or idle things and then to do unworthy or idle things. The ear is thus the first organ to 'be burnt', to 'catch fire'. Cf. Prov. VI, 27-28. Cf. the English phrase, 'to burn one's fingers.' (15) Lit., 'How is it?' (16) When the intercourse could not take place before Sabbath, (Tosaf.). (17) And the intercourse would be allowed, since the blood flows out of its own accord, no wound having been made. (18) Lit., 'or is it wounded?' And the intercourse would be forbidden. (19) Lit., 'And if you should be able to say.' (20) Is his aim to release it? Lit., 'is it the blood he requires?' [According to Tosaf.: in order to see whether she is a virgin.]

with the opening.¹ and it is forbidden?² And if you will say [that] he is concerned with the blood and the opening comes of itself, [then the question arises:] Is the *halachah*³ according to R. Simeon who says: A thing which is not intended⁴ is allowed; or is the *halachah* according to R. Judah who says: A thing which is not intended is forbidden?⁵ And if you will say [that] the *halachah* is according to R. Judah [then the question arises], does he do damage in regard to the opening, or does he improve in regard to the opening?⁶ Some say:⁷ And if you will say that the blood is the result of a wound [then the question arises], is he concerned about the blood and it is forbidden,⁸ or is he concerned with his own pleasure, and it is allowed? And if you will say [that] he is concerned with his own pleasure and the blood comes out of itself,⁹ [then the question arises,] is the *halachah* according to R. Judah or is the *halachah* according to R. Simeon? And if you will say [that] the *halachah* is according to R. Judah, [then the question arises,] does he do damage by [making] the wound, or does he improve by [making] the wound? And if you will say [that] he does damage by [making] the wound, [then the question arises,] with regard to one who does damage, is the *halachah* according to R. Judah, [6a] or is the law according to R. Simeon?¹⁰ In the

injury to wife is not "labor"

(1) Or is his aim to make an opening? (2) It is forbidden to make an opening on Sabbath. [Such an act comes under the category of 'building'.] (3) 'Adopted opinion', 'rule'. (4) An act which is in itself forbidden but is the unintended though unavoidable result of an act which is permitted. Thus one may, according to R. Simeon, push a couch on the floor, on Sabbath, if one has not the intention to make a rut in the floor, although, as a matter of fact, such a rut is made as the unavoidable result of pushing the couch. (5) R. Judah's view is opposed to that of R. Simeon; v. n. 4. (6) Is the making of the opening considered to be to the advantage or disadvantage of the woman? If it is to her disadvantage it would be allowed even according to R. Judah. [Based on the principle that an act of damage does not constitute labour in regard to Sabbath. V. Shab. 106a.] (7) Lit., 'there are who say', that the questions were with regard to the assumption that the blood is the result of a wound. (8) To have the intercourse on Sabbath. (9) The coming of the blood is therefore an unintended but unavoidable result of an act, the intended object of which is the pleasure. (10) According to R. Simeon he who does damage by making a wound had to bring a sin-offering; v. Shab. 106a.

school of Rab¹ they said: Rab allowed² and Samuel forbade.³ In Nehardea⁴ they said: Rab forbade and Samuel allowed. Said R. Nahman b. Isaac: And your [mnemotechnical] sign [is]: These make it lenient for themselves, and these make it lenient for themselves.⁴ But does Rab allow it? Surely R. Shimi b. Hezekiah said in the name of Rab: [As regards] that stopper of the brewing boiler, it is forbidden to squeeze it in⁵ on a festival day!⁶—In that [case]⁷ even R. Simeon admits [that it is forbidden], for Abaye and Raba, both of them say: R. Simeon admits [that it is forbidden] in [a case of] 'Let his head be cut off, and let him not die!'⁸ [But] R. Hiyya the son of Ashi said [that] Rab said: The *halachah* is according to R. Judah,⁹ and R. Hanan the son of Ammi [said that] Samuel said: The *halachah* is according to R. Simeon.¹⁰ And R. Hiyya the son of Abin taught it without [naming the] men:¹¹ Rab said [that] the *halachah* is according to R. Judah, and Samuel said [that] the *halachah* is according to R. Simeon?—Still, Rab holds like R. Judah, [but] according to that version that says, 'the blood is stored up [in the womb], he does damage in regard to the opening.'¹² [and] according to that version that says, 'the blood is the result of a wound, he does damage in [making] the wound.'¹³

R. Hisda objected: If a girl, whose period¹⁴ to see [blood] had not arrived yet, got married, Beth Shammai¹⁵ say: One gives her four nights,¹⁵ and the disciples of Hillel say: Until the wound is

(1) In Surā. Before the words 'in the school of Rab', some texts have the word 'it has been said (that)'. (2) To have the first intercourse on Sabbath. (3) The place of Samuel. (4) In Surā they said that Rab allowed it, and in Nehardea they said that Samuel allowed it. (5) Into the bottle. The stopper is made of soft material, and, if it is squeezed, the liquid absorbed in the material would come out. (6) This shows that Rab, like R. Judah, holds that a permitted action which results in a prohibited action, though the latter was not intended, is forbidden; v. p. 19, nn. 4 and 5. (7) Of the stopper in the brewing bottle. (8) 'Let his head be cut off, and let him not die!' is a dialectic term for an absolutely unavoidable result of an act. V. Jast., s.v. פּוֹב. In such a case R. Simeon admits that the act leading to the forbidden act is prohibited. This applies to the stopper. Intercourse, however, is different; v. *infra* 6b. (9) V. p. 19, n. 5. (10) V. p. 19, n. 4. (11) I.e., without naming the authorities. (12) V. *supra* p. 19, n. 6. (13) Lit., 'time'. (14) Lit., 'the house', i.e., the school, of Shammai. (15) In which she can have intercourse with her husband.

healed up. ¹ If her period to see [blood] had arrived² and she married, Beth Shammai say: One gives her the first night. ³ And Beth Hillel say: Until the night following the Sabbath [one gives her] four nights.⁴

[6b] [Now] does it not⁵ mean that if he had [yet] no intercourse [with his wife] he may have intercourse [with her] even on Sabbath?⁶—Said Raba: No, except Sabbath. Said Abaye to him: But it says, 'until the night following the Sabbath [one gives her] four nights.'⁷—Only, said Raba, when he already had intercourse [with her].⁸ If [it were, as you say,] after he already had intercourse, what does he let us hear?⁹—He lets us hear that it is allowed to have intercourse on Sabbath, as that [statement] of Samuel [teaches], for Samuel said: One may enter into a narrow opening on Sabbath,¹⁰ although¹¹ he causes pebbles to break loose.¹²

(1) The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first intercourse further intercourse is forbidden until the coming out of blood, i.e., menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation but to the wound caused by the intercourse. According to Beth Shammai this assumption holds good for four nights, and according to Beth Hillel it holds good 'until the wound is healed up.' As to the definition of this phrase, v. Nid. 64b. V. also Nid. 65b, where it is finally decided that after the first coition no further intercourse must take place until the flowing of blood has stopped, even in the case of a young bride who had not yet had any menstruation. V. also *Eben ha-'Ezer*, 63, and *Yoreh De'ah*, 193. (2) But she had in fact not yet seen blood; that is, she had the maturity for it, but the maturity had not yet manifested itself. A girl has reached the period of maidenhood (puberty) when she is twelve years and one day old. When she is twelve and a half years old she has reached the state of *bogereth*, (v. Glos.), full maturity, womanhood. V. *infra* 39a. (3) He may repeat the intercourse during the first night. (4) Mishnah in Nid. 64b. (5) Lit., 'is it not?' Having quoted the Mishnah from Nid. 64b, R. Hisda proceeds to ask his question, which is based on the last statement of Beth Hillel. (6) The question presumes that 'until the night following the Sabbath (one gives her) four nights' may also mean any one of the four nights, and thus the intercourse may be first consummated on the night of Sabbath, (v. Rashi). This shews that one may have the first intercourse on Sabbath. (7) Sabbath must, therefore, be included! (8) One night before Sabbath. The intercourse on Sabbath was thus not the first. (9) What new law does the Tanna teach us? Why should he (the husband) not be allowed to have intercourse on Sabbath? (10) Lit., 'a narrow opening (or

R. Joseph objected: A bridegroom is free from the reading of *Shema*¹ in the first night² until the night following the Sabbath, if he has not performed [yet] an act.³ Is it not⁴ because he is anxious to perform the marital act?⁵—Said Abaye to him: No, he is anxious because he has not had intercourse.⁶ Said Raba to him: And on account of anxiety [only]?⁷ he is free [from reading *Shema*]? If this were so, then [if] his ship sank in the sea, he would also be free [from the reading of *Shema*]? And should you say [that] it is really so, surely. R. Abba b. Zabda said [that] Raba said: A mourner is bound to observe all the precepts that are stated in the Torah except [that] of the *Tefillin*⁸ because it is said with regard to them *an ornament*.⁹—But, said Raba, this¹⁰ is a dispute of Tannaim,¹¹ for one [Baraitha] teaches: If he¹² did not do an act [of coition] in the first [night],¹³ he is free [from reading *Shema*] also in the second [night]; in the second [night],¹⁴ he is free [from reading *Shema*] also in the third [night].¹⁵ And another [Baraitha] teaches [In] the first and second [night] he is free, [but in] the third [night] he is obliged [to read *Shema*].¹⁶ And Abaye [holds that] there¹⁷ also

Anxiety frees him from "religious" duty

breach, one may enter into it on Sabbath. (11) Lit., 'and although.' (12) He may have said the second intercourse on Sabbath, v. Rashi, *ad loc*.

(1) The verses, Deut. VI 4-9, XI 13-21, Num. XV, 37-41 which are recited daily morning and evening. (2) Following the marriage. ³ (3) I.e., the first intercourse. Mishnah Ber. 16a. (4) That he is free from the reading of *Shema*, even on Sabbath night. (5) Lit., 'because he is anxious, because he wants to have intercourse.' (6) Being preoccupied with a duty (*mizvah*) he is free from another duty (i.e., the reading of *Shema*). (7) Before Sabbath, and forbidden to have it on Sabbath. (8) Mental agitation, worry. (9) *Phylacteries*, v. Glos. (9) Cf. Ezek. XXIV, 17. The reference being there to the *Tefillin* which Ezekiel was charged not to lay aside despite his mourning for his wife. V. M.K. 13a. A mourner, though very much troubled, is nevertheless not free from observing the precepts. We thus see that anxiety does not exempt one from fulfilling the various religious commandments. And so in the case of the Mishnah quoted by R. Joseph it cannot be that the bridegroom is free from the reading of *Shema* only because of his anxiety. (11) With regard to the first intercourse on Sabbath. (11) Lit., 'this is told Tannaim.' (12) The bridegroom. (13) After the marriage. (14) If he did not do an act in the second night either. (15) The third night (after the first day in the week is Sabbath, and he is free from reading *Shema* as he is allowed to perform the marital act for the first time. (16) The teacher of this

breach, one may enter into it on Sabbath. (11) Lit., 'and although.' (12) He may have said the second intercourse on Sabbath, v. Rashi, *ad loc*. (11) The verses, Deut. VI 4-9, XI 13-21, Num. XV, 37-41 which are recited daily morning and evening. (2) Following the marriage. ³ (3) I.e., the first intercourse. Mishnah Ber. 16a. (4) That he is free from the reading of *Shema*, even on Sabbath night. (5) Lit., 'because he is anxious, because he wants to have intercourse.' (6) Being preoccupied with a duty (*mizvah*) he is free from another duty (i.e., the reading of *Shema*). (7) Before Sabbath, and forbidden to have it on Sabbath. (8) Mental agitation, worry. (9) *Phylacteries*, v. Glos. (9) Cf. Ezek. XXIV, 17. The reference being there to the *Tefillin* which Ezekiel was charged not to lay aside despite his mourning for his wife. V. M.K. 13a. A mourner, though very much troubled, is nevertheless not free from observing the precepts. We thus see that anxiety does not exempt one from fulfilling the various religious commandments. And so in the case of the Mishnah quoted by R. Joseph it cannot be that the bridegroom is free from the reading of *Shema* only because of his anxiety. (11) With regard to the first intercourse on Sabbath. (11) Lit., 'this is told Tannaim.' (12) The bridegroom. (13) After the marriage. (14) If he did not do an act in the second night either. (15) The third night (after the first day in the week is Sabbath, and he is free from reading *Shema* as he is allowed to perform the marital act for the first time. (16) The teacher of this

they]¹ differ with regard to anxiety.² And these Tannaim [are] like those Tannaim,³ for it has been taught [in a Baraitha]: He who marries a maiden shall not perform the first intercourse⁴ on Sabbath, and the Sages allow [it]. Who are the Sages?—Said Rabbah: It is R. Simeon, who says: A thing which is not intended is allowed.⁵ Said Abaye to him: But R. Simeon admits [that it is forbidden] in [a case of] 'Let his head be cut off and let him not die!'.⁶ Said he to him: Not like those Babylonians who are not skilled in moving aside,⁷ but there are some who are skilled in moving aside.⁸ If so,⁹ why [give the reason of] 'anxious'?¹⁰—For one who is not skilled. [Then] let them say: One who is skilled is allowed [to perform the first intercourse on Sabbath], one who is not skilled is forbidden?—Most [people] are skilled.¹¹ Said Raba the son of R. Hanan to Abaye: If this were so, then why [have] groomsmen¹² why [have] a sheet?¹³—He [Abaye] said to him: There [the groomsmen and the sheet are necessary] perhaps he will see and destroy [the tokens of her virginity].¹⁴

groomsmen testify in divorce on blood
Baraitha holds that he is not allowed to perform it first on Sabbath, and therefore he is obliged to read Shema'. (17) In the Baraithas just quoted.

(1) The Tannaim. (2) According to the first Baraitha his anxiety caused by the fact that he is not allowed to perform the act on Sabbath frees him from reading *Shema*. And according to the second Baraitha this anxiety does not free him from reading *Shema*. According to the first Baraitha the case of the mourner would be different. Since anxiety is no part of the mourning observances (Rashi, *a.l.*). (3) I.e., the dispute of the Tannaim just quoted by Raba is the same as the dispute of the Tannaim of the Baraitha to be quoted now. (4) Lit., 'shall not have intercourse at the beginning.' (5) V. *supra* p. 19, n. 4. (6) V. *supra* p. 20, n. 8. (7) ~~X.~~, having intercourse with a virgin without causing a bleeding. (8) Thus no blood need come out, and 'Let his head be cut off and let him not die!' does not apply. (9) If the bridegroom is skilled in 'moving sideways'. (10) He need not be anxious about the intercourse and should not be free from reading *Shema* on account of such anxiety. (11) Therefore the principle regarding 'Let his head be cut off and let him not die!' does not, as a rule, apply. (12) The groomsmen testify in case of need to the virginity of the bride. V. *infra* 12a. If the bridegroom will act in a manner that will cause no bleeding, the groomsmen will not be able to testify on the question of virginity. (13) To provide evidence of the virginity of the bride. Cf. Deut. XXII, 17. (14) It may happen that he will act in the normal manner and cause bleeding but he will destroy the tokens and maintain that the bride

R. Ammi objected:¹ He who pierces² an abscess on Sabbath, if [in order] to make an opening³ to it, he is guilty⁴ but if [in order] to cause pus to come out of it [7a] he is free from punishment]⁵—There⁶ it is⁷ stored up⁸ and is [entirely] loose,⁹ here¹⁰ it¹¹ is stored up¹² but is not [entirely] loose.¹³ R. Ammi allowed to have first intercourse¹⁴ on Sabbath. Said the Rabbis to him: But her *kethubah*¹⁵ is not written yet!—He said to them: Let her seize movable goods.¹⁶ R. Zebid permitted to have the first intercourse on Sabbath. Some say: R. Zebid himself had the first intercourse on Sabbath. Rab Judah allowed to have the first intercourse on a festival. R. Papi said in the name of Raba: You shall not say [that] on a festival it¹⁷ is allowed, but [that] on Sabbath it is forbidden. It is just as well allowed on Sabbath; only it happened so.¹⁸ R. Papa said in the name of Raba: On a festival it is allowed, on Sabbath it is forbidden. Said R. Papi to R. Papa: What is your opinion? Since a wound¹⁹ has been permitted [on a festival] for a necessity, it has been permitted also when there is no necessity? If that were so, it should be permitted to put spices on coals²⁰ on a festival, for since the kindling of fire has been allowed [on a festival] for a

was not a virgin; for this reason the above mentioned provisions are necessary. Where however he moved aside and made a false charge as to her virginity, the bride can plead that she is still a virgin (Rashi).

(1) V. 'Ed. (Sonc. ed.) p. 12 nn. 5-6. (2) Lit., 'loosens.' Jast.: 'manipulates.' (3) Lit., 'mouth'. (4) Of Sabbath-breaking. (5) And permitted; v. Shab 107a and 3a. Intercourse should thus be permitted on Sabbath for the first time, even when the aim is the bleeding! (6) In the case of the abscess. (7) The blood. (8) In the abscess. (9) From the flesh. (10) In the case of the virgin-bride. (11) The blood. (12) In the womb. (13) From the walls of the womb. [Read with MS.M. 'It is neither stored up nor loose,' but the result of a wound, hence forbidden.] (14) Lit., 'to perform in the beginning'. (15) The marriage contract; lit., 'a written deed' (v. Glos.). Marital union is forbidden before the *kethubah* is written. (16) And the movable goods will be a pledge in her hand with regard to the *kethubah* until the marriage contract will be written, when all his real estate is mortgaged with regard to *kethubah*. (17) The first intercourse. (18) Lit., 'and the event that was was thus'. [The question was put to him on a festival and he declared it permissible.] (19) I.e., the making of a wound. (20) To perfume the room after dinner; v. Ber. 43a.

necessity, it should be allowed also when there is no necessity! Said he to him. Concerning this the Biblical verse said, *save that which every man must eat*,⁴ [this means] a thing which is useful for every man.⁶ R. Aha, the son of Raba, said to R. Ashi: If this were so,⁷ then if a deer happened to come to the hands of a person⁸ on a festival, [shall we say that] since it is not of equal usefulness for every person,⁹ is it really so that it would be forbidden to kill it? Said he¹⁰ to him: 'I say, a thing that is needful for every person.'¹¹ [and] a deer is needful for every person.¹² R. Jacob, the son of

(1) The meaning of the question of R. Papi to R. Papa is as follows: If a distinction is to be made, regarding the first intercourse, between Sabbath and a festival and it is to be held, as R. Papa holds in the name of R. Abi, that it is forbidden on Sabbath and allowed on a festival, then R. Papa must hold that, since certain work was allowed on a festival for a necessity, work should be allowed on a festival even when there is no necessity for it. It is, e.g., allowed to make a wound on a festival by slaughtering an animal for the need of food. It would, therefore, according to R. Papa, be allowed to make a wound (v. *supra* 3b, 4b, 5b) by performing the first intercourse on a festival, although there is no necessity for it, since the first intercourse can wait until after the festival. If this view were correct, then it should have been allowed to burn spices on coals on a festival, although spices are not a necessity, since the kindling of fire on a festival is allowed for a necessity. And the accepted view is that it is forbidden to put spices on coals on a festival. Consequently, if the first intercourse is forbidden on Sabbath it should be forbidden also on a festival, since it is not a necessity. R. Papa's view is therefore wrong. — Generally speaking, work that is forbidden on Sabbath is forbidden on a festival. There is an exception in the case of work necessary for preparing food. This is already indicated in Ex. XII, 16; v. Meg. 7b. (2) To R. Papi. (3) I.e., to avoid, or anticipate the answer to, your question. (4) Ex. XII, 16. The verse continues, 'that only may be done to you'. (5) Literally, 'equal', 'like', 'worth'; a thing that is of equal worth for every one, namely, to eat, to do, to have. (6) The sense of the answer is this: You cannot compare the first intercourse to spices. Spices are not of equal necessity for every person. As Rashi puts it, only people who are used to luxuries desire spices. But sexual intercourse, even the first act, is a human need, which applies to all people. (7) I.e., if only work for a necessity to all is allowed on a festival. (8) Lit., 'happened to meet him.' (9) Cf. n. 6. (10) R. Ashi. (11) To R. Aha. (12) R. Ashi seems to emphasize the needfulness of the object, though it may not be of equal necessity to all. (13) Indeed, he answers, a deer is good for every person, and therefore, it may be slaughtered on a festival. *End of intercourse on Sabbath sense is obscenity*

not move aside [the bolt of the door] wilfully he finds it locked.

Some one came before Rabban Gamaliel the son of Rabbi [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I was a virgin.' He said to them: Bring me that cloth. They brought him the cloth, and he soaked it in water and he washed it and he found on it a good many drops of blood.² Thereupon he [Rabban Gamaliel] said to him [the husband]: Go, be happy with thy bargain.³ Huna Mar the son of Raba of Parazika,⁴ said to R. Ashi: Shall we also do it?⁵ He answered him: [10b] Our⁶ laundry work⁷ is like their⁸ washing.⁹ And if you will say let us do laundry work,¹⁰ [my answer is] the smoothing stone will remove it.¹¹ *Blood & intercourse*

Someone came before Rabban Gamaliel the son of Rabbi [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I am still a virgin.' He [then] said to them: Bring me two handmaids, one [who is] a virgin and one who had intercourse with a man. They brought to him [two such handmaids], and he placed them upon a cask of wine. [In the case of]

Still more of same = pp. 50-1-2.
version seems to be the wilful intention. The bolt of a door cannot, as a rule, be moved aside accidentally. There must be intention in the action.

X(1) Upon which they spent the night. (2) The blood was covered by semen. (3) Lit., 'take possession of' a phrase in which there is also an element of joy. 'Be happy with' expresses well the spirit of the decision. Rabban Gamaliel himself was happy that he could keep together and strengthen the bond of marriage between husband and wife. (4) Faransag, near Bagdad. (5) I.e., apply in such cases the test applied by Rabban Gamaliel to the cloth. (6) Babylonian. (7) גזית is fine laundry work. (8) Palestinian. (9) כיבוס is plain washing. In Palestine the plain washing was better than in Babylonia, because the water in Palestine was better or because they had in Palestine better ingredients (Rashi). In order to get the same results they would have to do fine laundry work in Babylonia, and that would include smoothing the cloth with a stone, according to Rashi, with a glass-stone. (10) Let us apply גזית to the cloth on which the bride and bridegroom slept. (11) The blood. In the process of גזית the stone with which the cloth would be smoothed would cause the drops of blood, which would be seen after plain washing, to disappear. The test of Rabban Gamaliel could therefore not be employed in Babylonia.

intercourse⁵⁰ and blood

the one who was no more a virgin its smell ⁽¹⁾ went through, ⁽²⁾ [in the case of] the virgin the smell did not go through. ⁽³⁾ He [then] placed this one [the young wife] also [on a cask of wine], and its smell ⁽⁴⁾ did not go through. He ⁽⁵⁾ [then] said to him: ⁽⁶⁾ Go, be happy with thy bargain. ⁽⁷⁾ But he should have examined her from the very beginning! ⁽⁸⁾—He had heard a tradition, ⁽⁹⁾ but he had not seen it done in practice, ⁽¹⁰⁾ and he thought, The matter might not be certain ⁽¹¹⁾ and it would not be proper ⁽¹²⁾ to deal lightly with daughters of Israel. ⁽¹³⁾ *More blood and intercourse*

Someone came before Rabban Gamaliel the elder [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood. She [the wife] said to him, 'My master, I am of the family of Dorkaṭi, [the women of] which have neither blood of menstruation nor blood of virginity.' Rabban Gamaliel investigated among her women relatives and he found [the facts to be] in accordance with her words. He [then] said to him: Go, be happy with thy bargain. Happy art thou that thou hast been privileged [to marry a woman] of the family of Dorkaṭi. What is [the meaning of] Dorkaṭi?—A cut-off generation. ⁽¹⁴⁾—R. Hanina said: Vain consolation Rabban Gamaliel offered ⁽¹⁵⁾ to that man, for R. Hiyya taught: As the leaven is wholesome for the dough, so is blood wholesome for a woman. And one has [also] taught in the name of R. Meir: Every woman who has abundant blood has many children. It has been said: R. Jeremiah b. Abba said: He [Rabban Gamaliel] said to him [the husband]: Be happy with thy bargain. But R. Jose b. Abin said: He said to him: thou hast been punished with thy bargain. ⁽¹⁶⁾ We quite understand

(1) I.e., the smell of the wine. (2) One could smell the wine from the mouth (Rashi). (3) One could not smell the wine from the mouth. (4) I.e., the smell of the wine. (5) Rabban Gamaliel. (6) To the husband. (7) The test shewed that the wife was a virgin. (8) Why did he first have to experiment with the two handmaids. (9) That this was a reliable test. (10) Lit., 'The practice he had not seen.' (11) Lit., 'perhaps it is not certain that the matter is good,' that is, that the test would be effective. (12) Lit., 'The way of the land,' that is, the custom. (13) Therefore he carried out the test first with handmaids. (14) Heb. *Dor. Kaṭu'a*. (15) Lit., 'consolated him.' (16) Lit., 'Be punished with thy bargain,' that is, the marriage stands, although it is not to thy advantage.

the one who says 'Thou hast been punished' with thy bargain—this is [according to the view] of R. Hanina. But according to him who says 'Be happy' [with thy bargain], what is the advantage [of such a marriage]?—He [the husband] does not come to any doubt regarding menstruation.

Someone came to Rabbi [and] said, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She said, 'My master, I was [and am] still a virgin, and it was [a period of] years of dearth.' Rabbi saw that their faces were black, ⁽¹⁾ [and] he commanded concerning them, and they ⁽²⁾ brought them to a bath and gave them to eat and to drink and brought them to the bridal chamber, and he had intercourse with her and found blood. He ⁽³⁾ [then] said to him: Go, be happy with thy bargain. Rabbi applied to them the verse: ⁽⁴⁾ *Their skin is shrivelled upon their bones; it is withered, it is become like a stick.* ⁽⁵⁾

Blood and intercourse

MISHNAH. A MAIDEN—HER KETHUBAH IS TWO HUNDRED [ZUZ], ⁽⁷⁾ AND A WIDOW—A MANEH. ⁽⁸⁾ A MAIDEN, WHO IS A WIDOW, [OR] DIVORCED, OR A HALUẒAH ⁽⁹⁾ FROM BETROTHAL ⁽¹⁰⁾—HER KETHUBAH ⁽¹¹⁾ IS TWO HUNDRED [ZUZ], AND THERE LIES AGAINST THEM THE CHARGE OF NON-VIRGINITY. ⁽¹²⁾

more money for virginity

GEMARA. Why [is a widow called] 'almanah'? R. Hana of Bagdad said: because of the *maneh*. ⁽¹³⁾ But what can be said with

(1) From hunger. (2) Those who carried out Rabbi's commands. (3) The young couple. (4) Rabbi. (5) Lit., 'read concerning them.' (6) Lam. IV, 8. (7) V. Glos. (8) One hundred zuz. (9) A woman released from a leviratical marriage, by *halizah*; v. Deut. XXV, 5-10. (10) She was only betrothed (*arusah*, v. Glos.) but not married, and became a widow or was divorced, or released by *halizah* from marrying her deceased fiancé's brother. (11) Lit., 'their *kethubah*'. The *kethubah* of either the widow, or the divorcee, or the *halizah*. (12) The husband who marries one of these women has a right to complain if he does not find signs of virginity. As they were only betrothed but not married they are expected to be virgins. (13) The value of the *kethubah* of a woman who married when she was a widow. This is no attempt at proper etymology.

regard to a widow from the betrothal?¹—Because that one is called 'almanah' this one is also called 'almanah'.² What can be said with regard to [the word] 'almanah', that is written in the Bible?³—[The woman] for whom the Rabbis will in future institute [the kethubah of] a maneh. But does the Bible speak of a thing which will be in the future?⁴—Yes, for it is written: *And the name of the third river is Hiddekel, that is it which goeth towards the east of Ashur*,⁵ and R. Joseph learnt: Ashur, that is Seleucia. But was [Seleucia] already then in existence? But [it is mentioned] because it will exist in the future. Here also 'almanah' is mentioned in the Bible] because it [the kethubah of maneh] will exist in the future.

R. Hana of Bagdad also said: The rain waters, saturates and manures [the earth] and refreshes⁷ and enlarges⁸ [the fruits]. Raba the son of R. Ishmael, and some say R. Yemar the son of Shelemiah, said: Which is the verse?⁹ [It is this:] *Thou waterest the ridges abundantly, thou settlest the furrows thereof; thou makest it soft with showers, thou blessest the springing thereof*.¹⁰

R. Eleazar said: The altar removes and feeds, makes beloved, atones.¹¹ Have not 'atones' and 'removes' the same meaning?¹² It removes [evil decrees]¹³ and atones for sins. R. Hana of Bagdad also said: Dates warm, satisfy, act as a laxative,¹⁴ strengthen¹⁵ and do not make [one] delicate. "wisdom of the sages"

Rab said: If one has eaten dates, he should not give a legal decision. An objection was raised. Dates are wholesome morning and evening, in the afternoon they are bad, at noon they are incomparable,¹⁶ and they remove three things: evil thought, stress

(1) The value of the kethubah of such a widow is two hundred zuz, and still she is called 'almanah'. (2) This is no attempt at proper etymology. (3) Lit., 'One calls her.' (4) The kethubah was not biblically ordained for the widow; v. *supra* 10a. (5) Lit., 'And was the verse written for the future?' (6) Gen. II, 14. (7) Or 'softens.' (8) Lit., 'causes to extend.' (9) That can be referred to in support of R. Hana's saying regarding the rain. (10) Ps. LXV, 11. (11) A play on the word מִזְבֵּחַ (altar). (12) 'Removes' apparently also refers to sins! (13) The answer is that 'removes' refers to evil decrees. (14) Lit., 'loosen', (the bowels). (15) The body. (16) I.e., very good.—Dates are good, or very good, after the meals in the morning, noon and evening. They are not good in the afternoon after a rest (Rashi).

of the bowels, and abdominal troubles!—Do we say that they are no good? They are indeed good, only for the moment [they cause] unsteadiness. It is analogous to wine, for the Master said: 'He who has drunk' one-fourth [of a log]¹ of wine shall not give a legal decision.⁴ And if you wish you may say: There is no difficulty: This is before a meal and that is after a meal.⁵ for Abaye said: Mother⁶ told me: Dates before a meal are as an axe to the palm-tree,⁷ after a meal as a bar to the door.⁸ Dasha [door], Raba explained:⁹ *derek sham*¹⁰ ['the way there'].¹¹ Darga [stairs, ladder], Raba explained:¹² *derek gag* [the way of the roof].¹³ Puria [bed], R. Papa explained: *sheparin we-rabin 'aleha* [because one is fruitful and multiplies on it]. R. Nahman b. Isaac said: [11a] We will also say:¹⁴ *ailonith* [the barren woman that is] a man-like¹⁵ woman, who does not bear children.¹⁶

Taping baby girl harmless! ↓

MISHNAH. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD—THEIR KETHUBAH IS TWO HUNDRED [ZUZ], AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-]VIRGINITY¹⁷

(1) The reference is to Samuel, in whose name this saying is quoted in 'Er. 64a. (2) Lit., he who drinks. (3) Log is a liquid measure equal to the contents of six eggs. (4) And one-fourth of a log of wine is certainly wholesome. But for the moment it may make one unsteady, and therefore unfit to give legal decisions. (5) Lit., 'bread'. If one eats dates before a meal, the effect is bad and one must not give legal decisions. The passage which declares them bad speaks of a case where one eats dates after a meal. The statement itself bears this out; v. *supra* p. 53, n. 6. (6) V. Kid. (Sonc. ed.) p. 153. (7) That is, injurious. (8) This apparently means good. It is difficult to see the meaning of the comparison. Rashi explains: They sustain the body as the bar supports a door. (9) Lit., 'said'. (10) A play on the word. (11) Or, the way is there; or, through there. (12) Lit., 'said'. (13) Or, the way to the roof; or, the way through the roof. (14) We will make a similar etymological exposition. (15) Or ram-like. *אֵילֹנִית* 'a woman who cannot bear children,' is connected with אֵיל (ram). (16) I.e., who is incapable of bearing children. (17) If they had sexual intercourse before they were three years and one day old the hymen would grow

GEMARA. R. Huna said: A minor proselyte¹ is immersed² by the direction³ of the court.⁴ What does he let us know? That it is an advantage⁵ to him and one may act for a person in his absence⁶ to his advantage? [Surely] we have learned [this already]: One may act for a person in his absence to his advantage, but one cannot act for a person in his absence to his disadvantage! —What you might have supposed is that an idolator⁷ prefers a life without restraint⁸ because it is established for us that a slave certainly prefers a dissolute life,⁹ therefore, he¹⁰ lets us know that this is said¹¹ [only in the case] of a grown-up person who has already tasted sin,¹² but [in the case of] a minor, it is an advantage to him.¹³ May we say that [this Mishnah] supports him:¹⁴ A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD [etc.]? Is it not that they immersed them¹⁵ by the direction of the Court?¹⁶ No, here we treat of the case of a proselyte whose sons and daughters were converted with him, so that they are satisfied with what their father does.¹⁷

They would be torn or dead

again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.

(1) I.e., a minor who wants to become a proselyte, that is, be converted to Judaism. Prior to and for the purpose of that conversion the would-be proselyte has to undergo circumcision and immersion in water. V. Yeb. 46a^{ff}. The immersion is to signify his purification. If the would-be proselyte is a minor (under thirteen years of age) and has no father to act for him, the Court can authorize his ritual immersion. (2) Lit., 'they immerse him'. (3) Lit., 'by the knowledge'. (4) Lit., 'house of judgment'. Three members constitute the court. (5) To be received into the Jewish Faith. (6) Lit., 'not in his presence'. — As the proselyte is a minor he is not, legally speaking, present. (7) Lit., 'one who worships the stars and planets.' (8) Lit., 'lawlessness, unbridled lust.' — It would therefore be a disadvantage to the minor would-be proselyte to become a Jew. (9) Cf. Git. 13a. — This confirms the former supposition. (10) R. Huna. (11) Lit., 'these words.' (12) Lit., 'who has tasted the taste of what is forbidden'. (13) To become a Jew. (14) R. Huna. (15) The women proselytes. (16) Because they were less than three years and one day old, consequently minors. (17) The immersion of the minor proselytes therefore took place by the direction of their father and not of the Court. — This Mishnah is therefore no support for R. Huna.

we can say]: This is the reason:¹ that the sinner should not have any benefit.² Raba did not say as Abaye [said]³ because in the case of the *kethubah* [we can say that] this is the reason:⁴ that it⁵ should not be a light matter in his eyes to send her away.⁶

Intercourse with baby girl is (see next page) "nothing"

MISHNAH. WHEN A GROWN-UP MAN⁷ HAS HAD SEXUAL INTERCOURSE WITH⁸ A LITTLE GIRL,⁹ OR WHEN A SMALL BOY¹⁰ HAS INTERCOURSE WITH A GROWN UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD¹¹ — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]: *They rank and count as virgins* SO ACCORDING TO¹² R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER KETHUBAH IS A MANEH. A VIRGIN, WHO WAS A WIDOW, A DIVORCEE, OR A HALUZAH FROM MARRIAGE¹³ — HER¹⁴ KETHUBAH IS A MANEH.¹⁵ [11b] AND THERE IS WITH REGARD TO THEM NO CHARGE OF NON-VIRGINITY. A WOMAN PROSELYTE, A WOMAN CAPTIVE AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] MORE THAN THREE YEARS AND ONE DAY OLD — THEIR KETHUBAH IS A MANEH, AND THERE IS WITH REGARD TO THEM NO CHARGE OF NON-VIRGINITY.

Intercourse with little boy is different

GEMARA. Rab Judah said that Rab said: A small boy who (1) Why the fine should be paid to the seduced proselyte girl. (2) Therefore he should pay the fine in any case. But the case of the *kethubah* (in our Mishnah) is different. Therefore, Abaye asked from our Mishnah. (3) He did not ask the same question as Abaye. (4) Why the *kethubah* is paid to the woman proselyte. (5) Lit., 'she'. (6) Lit., 'to bring her out (of his house)', that is, to divorce her. Therefore he should pay the *kethubah* in any case. But the case of the fine is different. Therefore Raba asks from the Mishnah *infra* 29a. (7) A man who was of age. (8) Lit., 'who came on'. (9) Less than three years old. (10) Less than nine years of age. (11) Lit., 'One who was injured by wood', as a result of which she injured the hymen. (12) Lit., 'the words of'. (13) A maiden was married, and immediately after the marriage, became a widow or divorced, or a *haluzah*; v. *supra* 10b. (14) Lit., 'their', that is, the *kethubah* of each of them. (15) Since the marriage had taken place she is regarded as a married woman and it is assumed that she is no more a virgin.

has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood⁽¹⁾ When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to² flesh. Some teach this teaching by itself: ' [As to] a small boy who has intercourse with a grown-up woman, Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD—[IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD—HER KETHUBAH IS A MANEH!⁴ Raba said. It means⁵ this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this⁶ it is as if one puts the finger into the eye;⁷ but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

Rami b. Hama said: The difference of opinion⁸ is [only] when he⁹ knew her,¹⁰ for R. Meir compares her¹¹ to a mature girl,¹² and

(1) Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood. (2) Lit., 'is not in'. (3) I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah. (4) The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel. (5) Lit., 'says'. (6) Lit., 'here', that is, less than three years old. (7) I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a. (8) Between R. Meir and the Sages. (9) The husband. (10) I.e., he knew, when he married her, that the bride was thus injured. (11) The one who was thus injured. (12) A bogeth (v. Glos.), a girl of full maturity, may

the Sages compare her to a woman who had intercourse with a man.¹ But if he did not know her,² all agree³ that she has nothing.⁴ And why does R. Meir compare her to a mature girl? Let him compare her to a woman who had intercourse with a man!—[In the case of] a woman who had intercourse with a man, a deed had been done to her by a man;⁵ but in her case⁶—no deed has been done to her by a man.—And why do the Rabbis compare⁷ her to a woman who had intercourse with a man? Let them compare her to a mature girl! [In the case of] a mature girl no deed whatsoever has been done to her,⁸ but in her case— a deed has been done to her.⁹

'But if he did not know her, all agree that she gets nothing'.¹⁰ R. Nahman objected: If she says, 'I was injured by a piece of wood,' and he says, 'No, but thou hadst intercourse with a man', Rabban Gamaliel and R. Eliezer say [that] she is believed!¹¹ But, said Raba, whether he knew her¹² and whether he did not know her,¹³ according to R. Meir [her kethubah is] two hundred [zuz]¹⁴ [whereas] according to the Rabbis, if he knew her [her kethubah is] a maneh, [if] he did not know her, she gets nothing.¹⁵

Raba however changed his opinion,¹⁶ for it has been taught: How [does] the bringing out of an evil name¹⁷ [take place]? He¹⁸

And so — on and on

sometimes not have signs of virginity, (v. Yeb. 59a), and her kethubah is nevertheless two hundred zuz.

(1) And had no virginity. Therefore her kethubah is only a maneh, as that of a widow. (2) Did not know of the injury and thus thought that she was in her full virginity. (3) Lit., 'the words of all.' (4) Lit., 'it is nothing'.—As he was kept in ignorance of what happened to her, she does not get even a maneh (Rashi). (5) Lit., 'by the hands of man'. (6) Lit., 'this'. (7) Lit., 'instead of comparing'. (8) Her signs of virginity vanished through her maturity. (9) Through the piece of wood. (10) This is the concluding part of the statement. (11) V. infra 13a. This shews that she gets the kethubah even if he did not know that she had been thus injured. (12) I.e., knew, when he married her, that she had been injured. (13) Did not know that she was thus injured. (14) [And the author of the Mishnah which states that she is believed, will be R. Meir, and she receives two hundred zuz]. (15) V. n. 4. [And our Mishnah which states that she gets only a maneh will represent the view of the Sages in the case where he knew her]. (16) Lit., 'and Raba went back on himself.' (17) Cf. Deut. XXII, 13, 14. (18) The husband.

tion? Did not R. Bibi recite in the presence of R. Nahman: Three [categories of] women may use an absorbent¹ in their marital intercourse. A minor, and an expectant and nursing mother. The minor,² because otherwise she might become pregnant and die. An expectant mother,³ because otherwise she might cause her foetus to degenerate into a sandal.⁴ A nursing mother,⁵ because otherwise she might have to wean her child [prematurely]⁷ and this would result in his death.⁸ And what is [the age of such] a minor?⁹ From the age of eleven years and one day to the age of twelve years and one day. One is under,¹⁰ or over this age¹¹ must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages said: The one as well as the other carries on her marital intercourse in a normal manner, and mercy¹² will be vouchsafed from Heaven, for it is said in the Scriptures, The Lord preserveth the simple.¹³ And should you reply that this is a case where she conceived when she was a *na'arah* and gave birth to a child when she was still a *na'arah* [it could be objected:] Does one give birth to a child within six months [after conception]? Did not Samuel, in fact, state: The period between the age of *na'aruth*¹⁴ and that of *bagruth*¹⁵ is only six months? And should you suggest [that he meant to say] that there were no less but more [than six months] surely [it could be retorted] he used the expression,

Birth control for minors

to a *na'arah*, who died before she became a *bogereth* the birth of a child is possible only if conception took place while she was a minor—under twelve years of age.

(1) I.e., one that would result in the birth of a child. (2) V. Yeb. 12b, 100b, Nid. 45a. (3) סוף 'hackled wool or flax'. (4) To prevent conception. (5) Is permitted the use of an absorbent. (6) ספיגה, i.e., 'a flat fish', i.e., a fish-shaped abortion due to superfetation. (7) On account of her second conception which causes the deterioration of her breast milk. (8) וימות, so MS.M. Cur. edd. omit. (9) Who is capable of conception but is exposed thereby to danger. (10) When no conception is possible. (11) When pregnancy involves no fatal consequence. (12) To protect them from danger. (13) Ps. CXVI, 6; sc. those who are unable to protect themselves. From this it follows that a girl under the age of twelve is incapable of normal conception. How then could it be assumed by Raba that a *na'arah* (cf. *supra* p. 215, n. 14) might give birth to a child? (14) Abstract of 'na'arah', (v. Glos). (15) Abstract of 'bogereth'.

lescence liberates a daughter from her father's authority¹ and marriage also liberates a daughter from her father's authority² [the two may be compared to one another]: As [in the case of] adolescence, if she attains adolescence after he had intercourse with her,³ [the fine] belongs to the girl herself,⁴ so also [in the case of] marriage, if she married after he had intercourse with her,⁵ [the fine] belongs to the girl herself. But as to betrothal, does it completely liberate a daughter from her father's authority? Surely we learned: [In the case of] a betrothed girl⁶ her father and her husband jointly may invalidate her vows.⁶

Costs of seducing and raping

MISHNAH. THE SEDUCER PAYS THREE FORMS [OF COMPENSATION] AND THE VIOLATOR FOUR. THE SEDUCER PAYS COMPENSATION FOR INDIGNITY AND BLEMISH⁷ AND THE [STATUTORY] FINE, WHILE THE VIOLATOR PAYS AN ADDITIONAL [FORM OF COMPENSATION] IN THAT HE PAYS FOR THE PAIN.

WHAT [IS THE DIFFERENCE] BETWEEN [THE PENALTIES OF] A SEDUCER AND THOSE OF A VIOLATOR? THE VIOLATOR PAYS COMPENSATION FOR THE PAIN BUT THE SEDUCER DOES NOT PAY COMPENSATION FOR THE PAIN. THE VIOLATOR PAYS⁸ FORTHWITH⁹ BUT THE SEDUCER [PAYS ONLY] IF HE DISMISSES¹⁰ HER. THE VIOLATOR MUST DRINK OUT OF HIS POT¹¹ BUT THE SEDUCER MAY DISMISS [THE GIRL] IF HE WISHES. WHAT IS MEANT BY¹² 'MUST DRINK OUT OF HIS POT'?

(1) It is only a minor and a *na'arah* (v. Glos) over whom a father exercises his authority (v. *infra* 46b). (2) The vows of a married woman may be invalidated by her husband only and not by her father. (3) While she was still a *na'arah*. (4) Since it is the 'father of the damsel' to whom the fine is to be paid (v. Deut. XXII, 29) and not the father of the girl who is adolescent. (5) A *na'arah*. (6) V. Ned. 66b and *infra* 46b; which shews that a father maintains partial control over his daughter as a *na'arah* even after her betrothal. (7) This is explained *infra*. (8) To the damsel's father. (9) Even if he marries her. (10) This is explained *infra*. (11) קעץ, an earthen vessel used as a receptacle for refuse or as a plant pot; i.e., the violator must marry his victim whatever her merits or defects. (12) Lit., 'how'.

—EVEN IF SHE IS LAME, EVEN IF SHE IS BLIND AND EVEN IF SHE IS AFFLICTED WITH BOILS [HE MAY NOT DISMISS HER]. IF, HOWEVER, SHE WAS FOUND TO HAVE COMMITTED¹ AN IMMORAL ACT OR WAS UNFIT TO MARRY AN ISRAELITE² HE MAY NOT CONTINUE TO LIVE WITH HER, FOR IT IS SAID IN SCRIPTURE, AND UNTO HIM SHE SHALL BE FOR A WIFE,³ [IMPLYING] A WIFE THAT IS FIT UNTO HIM'.

"pain" payments

GEMARA. [For the] PAIN of what?⁴—The father of Samuel replied: For the pain [he has inflicted] when he thrust her upon the ground.

R. Zera demurred: Now then, if he had thrust her upon silk stuffs⁵ would he for a similar reason⁶ be exempt? And should you say that the law is so indeed,⁶ was it not [it may be retorted] taught: 'R. Simeon b. Judah stated in the name of R. Simeon,⁷ A violator does not pay compensation for the pain [he has inflicted] because [39b] the woman would ultimately have suffered the same pain from her husband, but they⁸ said to him: One who is forced to intercourse cannot be compared to one who acts willingly'⁹? [The reference,] in fact,¹⁰ said R. Nahman in the name of Rabbah b. Abbuha [is to the] pain of opening the feet, for so it is said in Scripture, *And hast opened thy feet to every one that passed by*.¹¹ But if so, the same applies to one who has been seduced?¹²—R. Nahman replied in the name of Rabbah b. Abbuha: The case of one who has been seduced may be compared to that of a person who said to his friend, 'Tear up my silk garments and you will be free from liability'.¹³ 'My'? Are

(1) Lit., 'there was found in her'. (2) Lit., 'to enter into (the congregation of) Israel', on account of her illegitimate or tainted birth. (3) So lit. Deut. XXII, 29. (4) Must the violator pay. (5) A fall which is not painful. (6) Lit., 'thus also'. (7) The parallel passage in B.K. 59a has 'Simeon b. Menasya'. (8) The Rabbis who differed from his view. (9) B.K. 59a. Now if the PAIN referred to was that caused by the thrust the first Tanna would not have spoken of pain in the case of a husband. (10) Lit., 'but'. (11) Ezek. XVI, 25. (12) Why then is a seducer exempt from paying compensation for pain. (13) By her consent to suffer the pain the woman has exempted the man from paying compensation.

they' not her father's?¹⁴—This, however, said R. Nahman in the name of Rabbah b. Abbuha, [is the explanation]: The smart women among them declare that one who is seduced experiences no pain. But do we not see that one does experience pain?—Abaye replied: Nurse¹⁵ told me: Like hot water on a bald head.¹⁶ Raba said: R. Hisda's daughter¹⁷ told me, Like the prick of the blood-letting lancet.¹⁸ R. Papa said: The daughter of Abba of Sura¹⁹ told me, Like hard crust in the jaws.²⁰

THE VIOLATOR PAYS FORTHWITH BUT THE SEDUCER, [PAYS ONLY] IF HE DISMISSES HER ETC. WHEN HE DISMISSES HER! Is she then his wife?⁸ Abaye replied: Read, 'If he does not marry her,⁹ So it was also taught: Although it was laid down that the seducer pays [the statutory fine] only if he does not marry her, he must pay compensation for indignity and blemish forthwith. And [in the case of] the violator as well as [of] the seducer, she herself or her father may oppose.¹⁰

As regards one who has been seduced, this¹¹ may well be granted because it is written in Scripture, *If her father will refuse*,¹² [since from 'refusing']¹³ I would only [have known that] her father [may refuse], whence [could it be deduced that] she herself [may also refuse]?¹⁴ It was, therefore, explicitly stated 'will refuse', implying either of them.¹⁵ But as regards a violator, though one may well grant that she [may refuse him since] it is written in Scripture, 'and unto him she shall be'¹⁶ [which implies]¹⁷ only if she is so minded, whence, however, [it may be objected] is it deduced that her father [may also object to the marriage]?—Abaye replied:

(1) The silk garments, sc. her chastity and all it involves (v. *infra* 46b). (2) How then could she grant exemption? (3) Abaye's mother died from childbirth and he was brought up by his nurse (v. Kid. 31b). (4) Slight but pleasurable pain. (5) His wife. (6) ריבדא 'puncture', נטילתא 'lancet used for blood-letting'. (7) V. Jast. *Aliter*: 'palate' (Rashi). (8) Obviously not, since he has not legally married her. How then can the expression of dismissed be used? (9) Since the woman, her father, or the seducer himself may object to the marriage. (10) The marriage. (11) That the girl as well as her father may oppose the marriage. (12) So lit., Ex. XXII, 16. (E.v. *utterly refuse*). (13) If the verb had not been repeated. (14) To marry the seducer. (15) Lit., 'from any place'. (16) Deut. XXII, 29. (17) Since it was not stated, 'And he shall take her'.

wrote in the man's favour' [in a quittance]: 'I received' ² but here ³ she did not write in his favour, ⁴ 'I received'. ⁵ 'If you wish I might reply: [Our Mishnah represents the view of] R. Meir', for by the expression, ⁶ 'HE IS NEVERTHELESS LIABLE' [was meant liability to pay] out of his free assets. ⁶ *The wife is*

IF HE DID NOT WRITE IN HER FAVOUR etc. Samuel's father ruled: The wife of an Israelite who had been outraged is forbidden to her husband, since it may be apprehended that the act begun ⁷ under compulsion may have terminated ⁸ with her consent. ⁹ *X*

Rab raised an objection against Samuel's father: [Have we not learned,] IF YOU ARE TAKEN CAPTIVE I WILL RANSOM YOU AND TAKE YOU AGAIN AS MY WIFE? ¹⁰ The other remained silent. Rab thereupon applied to Samuel's father the Scriptural text, *The princes refrained talking and laid their hand on their mouth.* ¹¹ What, however, could he have replied? ¹² — [That the law] ¹³ was relaxed in the case of a captive. ¹⁴ *"Innocent" witness*

According to Samuel's father's ruling how is it possible to conceive a case of outrage which the All-Merciful deemed to be genuine? ¹⁵ Where, for instance, witnesses testified that she cried from the commencement to the end, *without her*

[This ruling], ¹⁶ however, differs from that of Raba; for Raba laid down: Any woman, the outrage against whom began ¹⁷ under *consent*

(1) Lit., 'for him'. (2) And she has the right to renounce a portion of her claim. (3) In our Mishnah which allows the woman the full amount of her *kethubah* even if her husband had written none. (4) And the object of our Mishnah is to point out that a woman's consent to dispense with the written document of her *kethubah* is no evidence that she has surrendered her right to recover the statutory amount to which she is entitled. It is assumed rather that her indifference to the written document is due to her reliance on her statutory rights. (5) Lit., 'what . . . that was taught'. (6) His sold or mortgaged property, however, may not be distrained on, in agreement with R. Meir, since no lien on property had been recorded in the *kethubah*. (7) Lit., 'her beginning'. (8) Lit., 'and her end'. (9) And a wife who willingly played the harlot is forbidden to her husband. (10) Though a woman in captivity is usually assumed to have been outraged. (11) Job XXIX, 9. (12) Lit., 'what has he to say'. (13) Prohibiting an outraged woman to her husband. (14) Since her violation is only a suspicion. (15) Lit., 'permitted', *X* the woman is exempt from punishment. Cf. Deut. XXII, 26. (16) Samuel's father's. (17) Lit., 'her beginning'.

compulsion, though it terminated with her consent, and even if she said, 'Leave him alone', and that if he had not made the attack upon her she would have hired him to do it, is permitted [to her husband]. What is the reason? — He plunged ¹ her into an uncontrollable passion. ²

It was taught in agreement with Raba: *And she be not seized* [only then] ⁴ is she forbidden, ⁵ [from which it follows] that if she was seized ⁶ she is permitted. ⁵ But there is another class of woman who is permitted ⁵ even if she was not seized. ⁷ And who is that? Any woman who began ⁸ under compulsion and ended ⁹ with her consent.

Another Baraitha taught: *And she be not seized* [only then] is she forbidden ¹⁰ [from which it follows] that if she was seized ¹¹ she is permitted. ¹⁰ But there is another class of woman who is forbidden ¹⁰ even though she was seized. And who is that? The wife of a priest. ¹²

Rab Judah stated in the name of Samuel who had it from R. Ishmael: '*And she be not seized*', [then only] ¹³ is she forbidden, ¹⁰ but if she was seized she is permitted. There is, however, another class of woman who is permitted even if she was not seized. And who is that? A woman whose betrothal was a mistaken one, ¹⁴ and who may, even if her son sits riding on her shoulder, make a declaration of refusal ¹⁵ [against her husband] and go away.

Rab Judah ruled: Women who are kidnapped ¹⁶ are permitted to

The reason

(1) Lit., 'clothed'. (2) Being a victim of her passions she is deemed to have acted under compulsion even when she professed acquiescence. (3) Num. V, 13. E.V., *neither she be taken in the act.* (4) Sc. if she was not seized, i.e., if she did not act under compulsion but willingly. (5) To her husband. (6) Sc. if she acted under compulsion. (7) But acted willingly. (8) Lit., 'her beginning'. (9) Lit., 'and her end'. (10) To her husband. (11) Sc. if she acted under compulsion. (12) Yeb. 56b. (13) V. *supra* note 4. (14) When a condition which remained unfulfilled was attached to it. In such a case the woman may leave her husband without a letter of divorce and she has the status of a *foresworn* *sole* who had never before been married. (15) V. Glos. s.v. *mi'm*. [Isaiah Trani: This is not to be taken literally. It means simply that she is permitted to marry another man without a bill of divorce]. (16) Lit., 'whom thieves steal'.

effected by the affectionate attachment in the bridal chamber' or is the *kinyan* effected by the affectionate attachment of the intercourse?²—Come and hear what R. Joseph learnt: 'Because he assigned³ it to her only on account of the affectionate attachment of the first night'. Now, if you grant that it is the affectionate attachment in the bridal chamber that effects the *kinyan* it was correct for him to state 'the first night'. If, however, you contend that it is the affectionate attachment of the intercourse that effects the *kinyan*, does this [it may be objected, first] take place on the first night only and not subsequently?—What then [do you suggest]? The [affectionate attachment in the] bridal chamber? Is the bridal chamber [it may be retorted] entered⁴ in the night only and not in the day time?⁵—But according to your argument does intercourse take place at night and not in the day time? Surely Raba stated: If one was in a dark room [intercourse] is permitted⁶—This is no difficulty. He⁷ may have taught us that it is proper conduct⁸ that intercourse should be at night; but [if it is maintained that it is the affectionate attachment in the] bridal chamber [that effects the *kinyan*] the difficulty arises!⁹—[The assumption that *kinyan* is effected in the] bridal chamber also presents no difficulty. Since, usually, the bridal chamber is a prelude to¹⁰ intercourse he taught us that it was proper that [it should be entered] at night. *The favorite Talmud sup. 20.*

R. Ashi enquired: What is the law¹¹ where [a bride] entering the bridal chamber became menstruous?¹² If you should find [some reason] for saying that it is the affectionate attachment in the bridal chamber that effects the *kinyan*¹³ [the question still remains whether

(1) *Huppah* v. Glos. And the bride is consequently entitled to the full amount of the statutory, and the additional *kethubah*. (2) And since this has not taken place the bride can only claim the statutory minimum. (3) Lit., 'wrote'. (4) Lit., 'there is'. (5) Why then did R. Joseph mention 'night'? (6) In the day time. V. *infra* 65b, Shab. 86a. (7) R. Joseph. V. *supra* n. 5. (8) Lit., 'the way of the earth'. (9) V. *supra* n. 5. (10) Lit., 'stands for'. (11) Is the bride entitled to the additional jointure of her *kethubah*? Cf. *supra* p. 328, n. 9. (12) The bridegroom dying before intercourse had taken place. Intercourse with a menstruant is Pentateuchally forbidden. (Cf. Lev. XVIII, 19). (13) Cf. *supra* p. 328, n. 10.

MISHNAH. IF A MAN FORBADE HIMSELF BY VOW TO HAVE INTERCOURSE WITH HIS WIFE¹ BETH SHAMMAI RULED: [SHE MUST CONSENT TO THE DEPRIVATION FOR] TWO WEEKS;² BETH HILLEL RULED: [ONLY FOR] ONE WEEK.³

STUDENTS MAY GO AWAY⁴ TO STUDY THE TORAH, WITHOUT THE PERMISSION [OF THEIR WIVES FOR A PERIOD OF] THIRTY DAYS; LABOURERS [ONLY FOR] ONE WEEK.

THE TIMES FOR CONJUGAL DUTY PRESCRIBED IN THE TORAH ARE: FOR MEN OF INDEPENDENCE,⁵ EVERY DAY; FOR LABOURERS, TWICE A WEEK; FOR ASS-DRIVERS,⁶ ONCE A WEEK; FOR CAMEL-DRIVERS,⁷ ONCE IN THIRTY DAYS; FOR SAILORS,⁸ ONCE IN SIX MONTHS. THESE ARE THE RULINGS OF R. ELIEZER.

Intercourse by trades
not true
GEMARA. What is the reason of Beth Shammai?⁹—They derive their ruling from [the law relating to] a woman who bears a female child.¹⁰ And Beth Hillel?—They derive their ruling from [the law relating to] one who bears a male child.¹¹ Why should not Beth Hillel also derive their ruling from [the law relating to] a woman who bears a female child?¹²—If they had derived their ruling from [the law relating to] a woman who bears a child they should indeed have ruled thus, but [the fact is that] Beth Hillel derive

exposed to the temptation of unchastity but is in no danger of falling into idiocy.

(1) Lit., 'IF A MAN FORBADE BY VOW HIS WIFE FROM INTERCOURSE'. (2) After this period it is the duty of the husband either to have his vow disallowed or to release his wife by divorce. (3) From their homes. (4) *Ex. XXI, 10.* (5) *לִיָּוֹן* (ר. טוֹל, *Piel*, 'to walk about'), men who have no need to pursue an occupation to earn their living and are able 'to walk about' idly. (6) Who carry produce from the villages to town and whose occupation requires their absence from their home town during the whole of the week. (7) Who travel longer distances from their homes. (8) Whose sea voyages take them away for many months at a time. (9) Who allow two weeks. (10) Intercourse with whom is forbidden for two weeks (v. Lev. XII, 5). (11) In whose case the prohibition is restricted to one week (*ibid.* 2). (12) The fact that the longer period of two weeks has Pentateuchal sanction should entitle a husband to vow abstinence for a similar length of time.

Babylon¹ for other countries. Both Rabbah and R. Joseph said: Even from Pumbeditha² to Be Kubi.³

A man once moved from Pumbeditha to [settle in] Be Kubi and R. Joseph placed him under the ban.

A man once left Pumbeditha to [take up his abode at] Astunia,⁴ and he died.⁵ Said Abaye: 'If this young scholar wanted it, he could still have been alive'.⁶

Both Rabbah and R. Joseph stated: The fit⁷ persons of Babylon are received⁸ by the Land of Israel, and the fit⁷ ones of other countries are received⁸ by Babylon. In what respect?⁹ If it be suggested: In respect of purity of descent,¹⁰ surely [it may be objected,] did not the Master say, 'All countries are [like] dough¹¹ towards the Land of Israel,¹² and the Land of Israel is [like] dough towards Babylon'.¹³ The fact, however, [is that the 'fit'¹⁴ are received] in respect of burial.¹⁵ *Babylon highest*

Rab Judah said: Whoever lives in Babylon is accounted as though he lived in the Land of Israel; for it is said in Scripture,

(1) Which was a centre of religion and learning. (2) V. *supra* p. 325, n. 5. (3) It is forbidden to move one's abode. *בֵּי כֻבִּי* was 'the name of a village in the vicinity of Pumbeditha' (Rashi *Kid.* 70b); 'the fort of P.' (Jast.). (4) *אֶסְטוּנְיָא*, a place near Pumbeditha. [Identified by Obermeyer (p. 229) with Piruz Shabur.] (5) So MS.M. Cur. edd. omit the *waw*. (6) His death was due to his departure from Pumbeditha. (7) *שָׂרִין* either (a) of pure and legitimate descent or (b) worthy and righteous. V. *infra* n. 8. (8) This is explained anon. (9) Are the 'fit... received'. (10) Cf. *supra* note 7 (a), *sc.* that such persons may marry into any pure families of the Land of Israel and Babylon respectively. (11) Opp. to 'fine flour', *sc.* a mixed mass the ingredients of which cannot be determined. Metaph. for impurity or illegitimacy of descent. (12) The families of the latter place would not allow, therefore, any person from the former to marry any of their members. (13) *Kid.* 69b, 71a, which proves that as regards purity of descent Babylon stands higher than the Land of Israel. How then could it be said that only the fit persons of Babylon are received by the Land of Israel? On the causes of the lower standard of genealogical purity in the Land of Israel v. Halevy's suggestion quoted in *Kid.*, Sonc. ed. p. 350, n. 6. (14) Cf. *supra* note 7 (b). (15) Only the worthy men of Babylon and other countries should be allowed burial in the Land of Israel and Babylon respectively. Unworthy men should not be admitted to the former whose soil was sacred or to the latter which scholars and saints had made their home (cf. *supra* note 1).

Abaye stated: We have a tradition that Babel² will not witness the sufferings⁽³⁾ [that will precede the coming] of the Messiah.⁽⁴⁾ He [also] explained it to refer⁶ to Huzal⁷ in Benjamin which would be named⁸ the Corner of Safety.⁹

R. Eleazar stated: The dead outside the Land⁽¹⁰⁾ will not be resurrected; for it is said in Scripture, *And I will set glory¹¹ in the land of the living,¹²* [implying] the dead of the land in which I have my desire¹³ will be resurrected, but the dead [of the land] in which I have no desire will not be resurrected.

R. Abba b. Memel objected: *Thy dead shall live, my dead bodies shall arise;*¹⁴ does not [the expression] 'Thy dead shall live' refer to the dead of the Land of Israel, and 'My dead bodies shall arise' to the dead outside the Land;¹⁵ while the text,¹⁶ *And I will give glory¹⁷ in the land of the living¹²* was written of Nebuchadnezzar concerning whom the All-Merciful said, 'I will bring against them a king who is as swift as a stag'.¹⁸ — The other replied: Master, I am making an ex-

— Babylon fall, in Bible, fictitious
(1) Zech. II, 11. (2) *בָּבֶל*, usually rendered 'Babylon', but v. *infra* notes 6 and 7. (3) Or 'travail'. (4) *חֲבֵל מַסְסִיָּה*; 'but the more correct reading is *חֲבֵל מַסְסִיָּה*' (Moore, G.F., *Judaism* II, 361, n. 2). *חֲבֵל מַסְסִיָּה* 'frequent in modern Christian books is fictitious' (loc. cit.). The 'sufferings' or 'travail' are more fully described in *Sanh.* 97b, Sonc. ed. p. 654. These are the 'throes of mother Zion which is in labor to bring forth the Messiah — without metaphor, the Jewish people' (Moore, loc. cit. text). (5) The tradition as to the immunity of Babel. (6) Not, as might be assumed, to the well known Babylon (cf. *supra* note 2). (7) *חֲזַל*, a village to the north of Jerusalem between Tel Al-Ful and Nob 'the city of the priests'. It was known by many names including that of *בָּבֶל* (v. Horowitz, I.S., *Palestine*, p. 73, nn. 3ff, s.v. *חֲזַל*). Neubauer, (*Geogr.* p. 152) describes it as an old fortress in Palestine (v. Jast.). There was also a Huzal in Babylonia between Nehardea and Sura. Cf. *Sanh.* 19a, Sonc. ed. p. 98, n. 3 and Berliner, *Beitr. z. Geogr.* p. 32. (8) *וְהָיָה לָהֶם*, lit., and they would call it'. The pronoun according to Rashi refers to the 'days of the Messiah', but this is difficult. (9) The noun *חֲזַל* is regarded here as the Hof. of *לָהֶם* 'to save'. (10) Of Israel. (11) *כָּבֹד*. Cf. *infra* notes 13 and 18. (12) Ezek. XXVI, 20. (13) *חֲזַל* containing the three letters of *חָיָה* (cf. *supra* note 11). God's care for Palestine is taken for granted. Cf. e.g., *A land which the Lord thy God careth for; the eyes of the Lord thy God are always upon it* (Deut. XI, 12). (14) Isa. XXVI, 19. (15) Of Israel. (16) Lit., 'and what'. (17) V. *supra* note 11. (18) *כָּבֹד* also means 'stag' (cf. *supra* note 11).

position of another Scriptural text: *He that giveth breath unto the people upon it,¹ and spirit to them that walk therein.²* But is it not written, *My dead bodies shall arise?*³ — That was written in reference to miscarriages.⁴ Now as to R. Abba b. Memel, what [is the application] he makes of the text,⁵ *'He that giveth breath unto the people upon it?'* — He requires it for [an exposition] like that of R. Abbahu who stated: Even a Canaanite bondwoman who [lives] in the Land of Israel is assured of a place in⁶ the world to come, [for in the context] here it is written, *Unto the people⁷ upon it,⁸* and elsewhere it is written, *Abide ye here with⁹ the ass¹⁰* [which may be rendered]¹¹ *'people that are like an ass'*¹² (Non-Jews burden bearers)

And spirit to them that work therein⁸ [teaches], said R. Jeremiah b. Abba in the name of R. Johanan, that whoever walks four cubits in the Land of Israel is assured of a place¹³ in the world to come. Now according to R. Eleazar,¹⁴ would not the righteous outside the Land¹⁵ be revived?¹⁶ — R. Elai replied: [They will be revived] by rolling [to the Land of Israel]. R. Abba Sala the Great demurred: Will not the rolling be painful to the righteous? — Abaye replied: Cavities will be made for them underground.

Thou shalt carry me out of Egypt and bury me in their burying-place.¹⁷ Karna remarked: [There must be here] some inner meaning. Our father Jacob well knew that he was a righteous man in every way, and, since the dead outside the Land will also be resurrected, why did he trouble his sons?¹⁸ Because he might possibly be unworthy to [roll through] the cavities.¹⁹

~~Non-Jews are people~~ ^{and the Jews are slaves}
 (1) The land of Israel. (2) *Isa. XLII, 5.* (3) *Isa. XXVI, 19.* (4) Even they will be resurrected but only in the Land of Israel. (5) Lit., 'that'. (6) Lit., 'daughter of'. (7) *ibid.* (8) *Isa. XLII, 5.* (9) *ibid.* (10) *Gen. XXII, 5.* (11) The consonants *ay* being the same (cf. *supra* nn. 7 and 9.) ~~(12) *Sr. slaves who*~~
are considered the property of the master. As the 'people' spoken of in *Isa. XLII, 5.* are assured of a place in the world to come so are the 'people' referred to in *Gen. XXII, 5.* Moore describes this as 'a specimen of exegetical whimsicality, rather than an eccentricity of opinion' (*Judaism*, II, 380). (13) Lit., 'son of'. (14) Who based his view on *Ezek. XXVI, 20, supra.* (15) Of Israel. (16) But this, surely, is most improbable. (17) *Gen. XLVII, 30.* (18) To carry him to Canaan? (19) *Var. loc., 'because he did not accept the suffering of the pain of rolling through the cavities'* (*Yalkut* and *apud* [?]).

YEBAMOTH

Exhibit 149

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

BY

REV. DR ISRAEL W. SLOTKI, M. A., Litt. D.

IN TWO VOLUMES

I

LONDON

THE SONCINO PRESS

1936

it was to intimate that even a single transgression involves one in the prescribed penalties;¹ for it was taught: 'The prohibition of kindling a fire [on the Sabbath] was mentioned separately² in order to [indicate that its transgression is] a prohibition only;³ so R. Jose, while R. Nathan maintains that the intention was to intimate that even a single transgression involves the offender in the prescribed penalties!⁴ And Raba explained that the Tanna⁴ found difficult the expression of *habitations*,⁵ [arguing thus]: What need was there for Scripture to state '*habitations*'? [Is not this⁶ obvious?] For consider: The observance of the Sabbath is a personal obligation, and any personal obligation is valid both in the Land [of Israel] and outside the land;⁷ what need, then, was there for the All Merciful to write it⁸ in connection with the Sabbath? This was explained by a disciple in the name of R. Ishmael: Whereas it was stated in the Scriptures, *And if a man have committed a sin worthy of death, and he be put to death*,⁹ one might infer [that the death penalty may be executed] both on week-days and on the Sabbath and, as regards the application of the text, *Everyone that profaneth it*¹⁰ shall surely be put to death,¹¹ this might be said to refer to the several kinds of labour other than the execution of a judicial death sentence; or again it might be inferred¹² that it¹³ refers even to a judicial execution of a death sentence and, as regards the application of *He shall surely be put to death*¹⁴ [this might be said to refer] to week-days but not to

** Straining at a gnat*
(1) Lit., 'to divide', i.e., one of the thirty-nine kinds of labour that are forbidden on the Sabbath was singly specified in order to indicate that to incur the prescribed penalties it is not necessary to commit all the thirty-nine transgressions (as the one general, all-embracing prohibition of labour might have seemed to imply). The mention of one prohibition (kindling of fire) separately breaks up, so to speak, (*divides*), all the others into single units, indicating that, as in its own case, so in that of all the others first mentioned together with it, every single transgression involves the penalty of stoning, *kareth*, or a sin-offering.

(2) Lit., 'went out'. (3) V. p. 24, n. 12. (4) Who asked, *supra*, 'wherefore was it stated?' (5) Ex. XXXV, 3. (6) That the prohibition is in force in all '*habitations*'. (7) I.e., throughout all *habitations*. (8) The phrase, '*throughout your habitations*', Ex. XXXV, 3. (9) Deut. XXI, 22. (10) The Sabbath. (11) Ex. XXXI, 14 which prohibits all kinds of labour on the Sabbath. (12) Lit., 'or it is not but'. (13) The prohibition of labour.

6b *Swatio sing* YEBAMOTH Exhibit 151
the Sabbath; or again it might be thought¹ to apply also to the Sabbath; hence it was expressly stated, *Ye shall kindle no fire throughout your habitations*,² and further on it is stated, *And these things shall be for a statute of judgment unto you throughout your generations in all your habitations*,³ as the expression of '*habitations*' mentioned below⁴ refers to the Beth din, so the expression '*habitations*' mentioned here⁵ refers also to the Beth din, and concerning this the All Merciful said, '*Ye shall kindle no fire*'.⁶ Now, are we not to assume this statement to be in agreement with the view⁷ of R. Nathan who holds that the object was to intimate that even a single transgression involves the offender in the prescribed penalties,⁸ and the reason⁹ is because the All Merciful has written, *Ye shall kindle no fire*,² but had that not been the case it would have superseded the [Sabbath]!¹⁰—No; this may be according to R. Jose.⁹

Granted, however, [that it is according to the view of] R. Jose, might it not be suggested that R. Jose said that 'kindling a fire [on the Sabbath] is mentioned separately in order to indicate that it is a mere prohibition' [in the case only of] ordinary burning; the burning by the Beth din,¹⁰ [however, is surely a case of] boiling of the metal bar¹¹ concerning which R. Shesheth said that there is no difference between the boiling of a metal bar and the boiling of
"Burning" a favorite death penalty
(1) Lit., 'or it is not but'. (2) Ex. XXXV, 3. (3) Num. XXXV, 29, referring to the death penalties of murderers. (4) I.e., execute no death penalty of burning on the Sabbath. The death penalty of 'burning' was executed by pouring molten lead through the condemned man's mouth into his body, thus burning his internal organs. (5) Lit., 'what, (is it) not?' (6) Of death or *kareth*. V. *supra* p. 25, n. 1. (7) Why the death penalty of burning—a kind of work—which according to R. Nathan would involve *kareth* must not be executed on the Sabbath. (8) Though the penalties involved include that of *kareth*. Thus it follows that a positive precept may supersede even such a prohibition. So also in the case of the levirate marriage it might have been assumed that the precept of marrying one's deceased childless brother's widow supersedes the prohibition of marrying a consanguineous relative despite the fact that such a transgression involves elsewhere the penalty of *kareth*; hence it was necessary for Scripture to add, '*aleha*' (Lev. XVIII, 18), to indicate that even a levirate marriage is in such a case forbidden. (V. *supra* 3b and 5b). (9) V. *supra* p. 24, n. 12. (10) The death penalty of burning. (11) Cf. *supra* note 4.

defect,¹ and even the rival of one's own daughter who was incapable of procreation [is permitted].² But what about the expression WERE FOUND in our Mishnah?—Read, 'were'.

When Rabin came⁴ he stated in the name of R. Johanan: The rival of a *mema'eneth*,⁵ the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,⁶ are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may⁷ use an absorbent⁸ in their marital intercourse⁹ A minor, a pregnant woman and a nursing woman. The minor,¹⁰ because [otherwise] she might¹¹ become pregnant, and as a result¹¹ might die. A pregnant woman,¹⁰ because [otherwise], she might¹¹ cause her foetus to degenerate into a *sandal*.¹² A nursing woman,¹⁰ because [otherwise] she might¹¹ have to wean her child prematurely¹¹ and this would result in his death. And what is the age of such a minor?¹⁴ From the age of eleven years and one day until the age of twelve years and one day. One who is under,¹⁵ or over this age¹⁶ must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from

"Sages" on birth control

- (1) And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife. (2) The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. הלכות נדרות quoted by Rashi. (3) V. p. 61, n. 14. (4) From Palestine to Babylon. (5) V. Glos. s.v. *mi'un*. In this case it refers to one who refused the levir (V. Rashi a.l.). (6) After she had been married by a second husband who divorced her or died. (7) [So Rashi. R. Tam: Should use, v. Tosaf s.v. שולש.] (8) סוך, hackled wool or flax. (9) To prevent conception. (10) May use the absorbent. (11) Lit., 'perhaps'. (12) שָׁטָף lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation. (13) Owing to her second conception. (14) Who is capable of conception but exposed thereby to the danger of death. (15) When no conception is possible. (16) When pregnancy involves no fatal consequences.

more conclusive proof than the marks of puberty. What practical difference is there between the two statements?—[It is this: That] even he who follows R. Judah who stated, '[a girl may exercise the right of refusal] until the black¹ predominates',² admits in the case of children.³ [13a] R. Zebid, however, stated: No children are possible prior to the appearance of the marks of puberty.⁴ Then let an examination be held!⁵ There is the possibility that they might have fallen off.⁶ This reply is perfectly satisfactory according to him who holds that such a possibility is taken into consideration;⁷ what, however, can be said according to him who holds that no such contingency need be considered?—Even according to him who holds that no such contingency need be considered, the possibility must be taken into consideration in this case on account of the pains of birth.⁸

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED] TO BE UNDERSTOOD? Etc. Whence is this law⁹ deduced?—Rab Judah replied: [From] Scripture which stated, *li-zeror*,¹⁰ [implying that] the Torah included many rivals.¹¹ R. Ashi replied, 'It¹² is arrived at by reasoning: Why is a rival forbidden? Surely because she takes the place of the forbidden relative; the rival's rival also takes the place of the forbidden relative'.

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED etc. Even if he¹³ married¹⁴ first and then divorced?¹⁵

"Two hairs" and puberty

- (1) I.e., the pubic hair. (2) The growth of two hairs which the Rabbis regard as a definite mark of puberty not being considered by R. Judah as conclusive proof. Keth. 36a, B.B. 156a, Nid. 52a. (3) That they provide definite proof of puberty irrespective of the state of the hair. (4) Should an apparent minor, whatever her age, ever give birth to a child it must be taken for granted that the marks of puberty had already appeared, and the age of minority had passed. (5) Why should the existence of the marks be left to conjecture when an examination would definitely determine the facts? (6) And the examination would prove nothing. (7) This is a question in dispute in Nid. 46a. (8) Which may have caused the falling off of the hair. (9) Lit., 'these words'. That a rival's rival is also exempt. (10) Lev. XVIII, 18, to be a rival. V. *supra* 3b. (11) For explanation, v. p. 12, n. 8. (12) The exemption of a rival's rival. (13) The brother now deceased. (14) The rival. (15) His first wife, the forbidden relative. In such a case, is the rival, though the two were rivals prior to the divorce,

imagine that Beth Shammai acted in accordance with their views? Beth Shammai did not act in accordance with their views.

R. Johanan, however, said: They certainly acted [in accordance with their views]. Herein they¹ differ on the same point as do Rab and Samuel. For Rab maintains that Beth Shammai did not act in accordance with their views, while Samuel maintains that they certainly did act [in accordance with their views]. When?² If it be suggested, prior to the decision of the heavenly voice,³ then what reason has he who maintains that they did not act [in accordance with their own view]? If, however, after the decision of the heavenly voice, what reason has he who maintains that they did act [in accordance with their views]?—If you wish I could say, prior to the decision of the heavenly voice; and if you prefer I could say, after the heavenly voice. 'If you wish I could say, prior to the heavenly voice', when, for instance, Beth Hillel were in the majority: One maintains⁴ that they⁵ did not act [according to their view] for the obvious reason that Beth Hillel were in the majority; while the other maintains⁶ that they did act [according to their view, because] a majority is to be followed only where both sides are equally matched;⁷ in this case, however, Beth Shammai were keener of intellect. 'And if you prefer I could say, after the heavenly voice'; one maintains that they⁵ did not act [according to their view] for the obvious reason that the heavenly voice had already gone forth;⁸ while the other who maintains that they did act [according to their view] is [of the same opinion as] R. Joshua who declared that no regard need be paid to a heavenly voice.⁹

Now as to the other who 'maintains that they did act [according to their views]'¹⁰—should not the warning, 'Lo tithgodedu, you

Gertrude Stein *Stuff*

(1) R. Johanan and R. Lakish. (2) I.e., to what period does the dispute just mentioned refer? (3) בֵּית קוֹל (v. Glos. s.v. *Bath Kol*), which decided that the law in practice was always to be in accordance with the rulings of Beth Hillel (v. 'Er. 13a). (4) Lit., 'according to him who said'. (5) Beth Shammai. (6) Lit., 'and he who said'. (7) In qualifications and attainments. (8) And decided the issue in favour of Beth Hillel. (9) B.M. 59b, Ber. 52a, 'Er. 7a, Pes. 114a. (10) Even after the heavenly voice.

themselves, she must go away from him' even if she had ever so many children!¹—Rab explains our Mishnah as dealing with the case where she has children and witnesses against her are available

What, however, impels Rab to explain our Mishnah as dealing with a case where she has children and where witnesses against her are available, and to give as the reason why she is to be taken away, because witnesses are available, and [to imply that] if witnesses are not available she is not taken away; let him rather explain [our Mishnah as dealing with the case] where she has no children [and has to be taken away] even though no witnesses are available! Raba replied: Our Mishnah presented a difficulty to him. What point was there [he argued] for using the expression 'WAS TAKEN AWAY'?² It should have been stated 'he parted from her';³ but any such expression as 'was taken away' implies 'by the Beth din' and the Beth din take away only where witnesses are available.⁴

If you prefer I may say that that Baraitha⁶ represents the view of Rabbi;⁷ for it was taught: When a pedlar⁸ leaves a house and the woman within is fastening her *sinnar*,⁹ since the thing is ugly she must, said Rabbi, go.¹⁰ If spittle is found¹¹ on the upper part of the curtained bed, since the thing is ugly,¹² she must, said Rabbi, go.¹⁰ [25a] If shoes¹³ lie under the bed, since the thing is ugly,¹⁴ she

The "reprobate mind"

(1) The paramour. (2) Which shews, contrary to the opinion of Rab, that when she has no children she is to part from her paramour even where witnesses are not available. (3) הוֹצִיָהָּ, lit., 'they (i.e. Beth din) took her away'. (4) הוֹצִיָהָּ, lit., 'he (i.e., the husband) brought her out'. (5) No wife may be taken away from her husband because of a mere rumour or suspicion. (6) Which requires a wife who had no children to leave her husband even where no witnesses are available. (7) Who forbids a wife to her husband even on the grounds of a rumour or suspicion. According to the other Rabbis, however, who are the majority, the woman, as Rab said, need not be taken away where no witnesses are available, even if she has no children. (8) רֹכֵל, Rashi explains *rokel* as dealer in women's perfumes. (9) The טִיט was a kind of breech-cloth or petticoat women wore as a matter of chastity (v. Rashi, a.l.). (10) Even if there were no witnesses that misconduct took place. (11) After the pedlar had left the house. (12) Only the woman lying face upwards could have spat on that spot. Intercourse may, therefore, be suspected. (13) So MSS. Cur. edd. add. 'overturned'. (14) The shoes indicating the presence of an unknown stranger on the bed.

"Spittie" and 150 *intercourse*

Said Samuel: Abba¹ agrees with me in the case of a girl who is under three years of age and one day; since cohabitation with her constitutes no *kinyan*,² the bridal chamber³ also constitutes no *kinyan*.² *Exh. 55, 159*

Raba said, We also learned a similar Baraitha:⁴ A girl who is three years of age and one day may be betrothed by cohabitation, if a levir cohabited with her, he has thereby acquired her;⁵ one incurs through her the guilt of intercourse with a married woman; she⁶ defiles her cohabitor in respect of his imparting defilement to the lower, as well as to the upper couch;⁷ if she was married to a priest she may eat *terumah*, and anyone ineligible⁸ who cohabited with her causes her ineligibility.⁹ Thus only a girl of the age of three years and one day, who is rendered ineligible by cohabitation, is also rendered ineligible through the bridal chamber; but a girl younger than three years and one day, who is not rendered ineligible by cohabitation, is not rendered ineligible through the bridal chamber either.¹⁰ This proves it.

Rami b. Hama stated: [In regard to the question whether] the bridal chamber¹¹ constitutes *kinyan*¹² with ineligible women,¹³ we arrive at a difference of opinion between R. Meir and R. Eleazar and R. Simeon. [58a] According to R. Meir who holds that the betrothal causes ineligibility, the bridal chamber¹⁴ also causes ineligibility, while according to R. Eleazar and R. Simeon who

Three year old girl, intercourse, and marriage

- (1) I.e., Rab, whose proper name was Abba. The former name (*Rab* = Master) was a title of honour conferred upon him as the Master *par excellence* of his time. According to Rashi, a.l., 'Abba' was a term of respect synonymous with 'prince' and 'master' by which Samuel, his younger contemporary, referred to Rab.
- (2) V. *supra* p. 385, n. 12. (3) Which constitutes *kinyan* only where cohabitation is possible, but which is not the case with a child under the age mentioned.
- (4) From which the ruling on which Rab and Samuel are in agreement may be inferred. (5) She is deemed to be his legal wife. (6) During her period of menstruation. (7) If he lies on a number of couches (coverlets, bed-spreads, and the like) resting one upon the other, he imparts levitical defilement to all, though he comes in direct contact with the uppermost one only. (8) A bastard, for instance. (9) V. *supra* p. 385, n. 12. Cf. Kid. 10af, v. Sanh. Sonc. ed. p. 376, n. 2. (10) Cf. *supra* note 3. (11) V. p. 385, n. 11. (12) V. loc. cit., n. 12. (13) V. loc. cit., n. 13. (14) Even in the absence of betrothal.

had carnal intercourse with a man?¹ Must it not consequently [be assumed to be] a case of unnatural intercourse; and the only reason² [why the woman is forbidden] is] because she is a widow, and not because she had had carnal intercourse⁽⁴⁾ [59b]—This represents the view of⁶ R. Meir,⁷ while Rab holds the same view as R. Eleazar.⁸ If [Rab holds the same view] as R. Eleazar, what was the object of pointing to her previous carnal intercourse⁹ when [her prohibition] could have been inferred from the fact that she was a harlot.¹⁰ R. Eleazar having stated that an unmarried man who cohabited with an unmarried woman with no matrimonial intention renders her thereby a harlot!¹¹—R. Joseph replied:¹² When, for instance, the woman was subjected to intercourse with a beast, where the reason of 'previous carnal intercourse' may be applied but not that of harlot⁽¹⁾ Said Abaye to him: Whatever you prefer [your reply cannot be upheld]. If she is a *be'ulah*¹⁴ she must also be a harlot; and if she is not a harlot¹⁵ she cannot be a *be'ulah* either! And were you to reply: This case is similar to that of a wounded woman,¹⁶ [it may be pointed out] that if [the disqualification should be extended to] unnatural intercourse also you will find no woman eligible to marry a High Priest [since there is not one] who has not been in some way

Intercourse with beast

- (1) With the High Priest himself, who is forbidden to marry an outraged or seduced woman even if he himself had committed the offence. (2) Lit., 'yes'. (3) To the High Priest. (4) Which proves that unnatural intercourse does not cause a woman to be forbidden to marry a High Priest. How then could Rab state that a woman in such circumstances is forbidden? (5) The Baraitha cited by Raba. (6) Lit., 'this, according to whom?' (7) Cf. *supra* p. 395, n. 7. (8) Cf. *supra* p. 395, n. 10. (9) As a reason for prohibition. (10) Who is forbidden not only to a High Priest but also to a common priest (v. Lev. XXI, 7). Why, then, did Rab refer to a High Priest only? (11) *Infra* 61b, 76a, Sanh. 51a, Tem. 30a. (12) Rab's reason of 'previous carnal intercourse' was necessary. (13) A term which is not applicable to bestial intercourse. V. *infra*. (14) *נדה*, one who had experienced carnal intercourse. (15) Presumably because her act cannot be regarded as 'sexual intercourse'. (16) V. *supra* p. 394, n. 8. As in her case marriage with a High Priest is forbidden (v. our Mishnah), though she is no harlot, so also in the case of bestial intercourse. (17) I.e., if injury to the anus is to be subject to the same restrictions as injury to the hymen.

wounded¹ by a splinter! No, said R. Zera,² in respect of a minor who made a declaration of refusal.³

R. Shimi b. Hiyya stated: A woman who had intercourse with a beast is eligible to marry a priest.⁴ Likewise it was taught: A woman who had intercourse with that which is no human being,⁵ though she is in consequence subject to the penalty of stoning,⁶ is nevertheless permitted to marry a priest.⁷

When R. Dimi came⁸ he related: It once happened at Haitalu⁹ that while a young woman was sweeping the floor¹⁰ a village dog¹¹ covered her from the rear¹² and Rabbi permitted her to marry a priest. Samuel said: Even a High Priest. But was there a High Priest in the days of Rabbi?¹³ — Rather, [Samuel meant]: Fit for a High Priest. *Intercourse with beast*

Raba of Parzakaia¹⁴ said to R. Ashi: Whence is derived the following statement which the Rabbis made: Harlotry is not applicable to bestial intercourse? — It is written, *Thou shalt not bring the hire of a harlot, or the price of a dog,*¹⁵ and yet we learned that the hire of a dog¹⁶ and the price of a harlot¹⁷ are permitted¹⁸ because it is said, *Even both these,*¹⁵ two only but not four.

(1) Cf. *supra* p. 394, n. 8. (2) Rab's reason of previous carnal intercourse was necessary. (3) *Mema'eneth*, v. Glos. Unnatural intercourse with her by her husband places the minor in the status of *be'ulah* (v. Glos.) but not in that of harlot, while her refusal to live with him does not give her the status of divorcee or widow but that of *mema'eneth*. Hence the necessity for Rab's statement that such a minor also is forbidden to marry a High Priest. (4) Even a High Priest. The result of such intercourse being regarded as a mere wound, and the opinion that does not regard an accidentally injured hymen as a disqualification does not so regard such an intercourse either. (5) A beast. (6) If the offence was committed in the presence of witnesses after due warning. (7) In the absence of witnesses and warning. (8) From Palestine to Babylon. (9) [Babylonian form for Aitalu, modern Aiterun N.W. of Kadesh, v. S. Klein, *Beiträge* p. 47]. (10) Lit., 'house'. (11) Or 'big hunting dog' (Rashi), 'ferocious dog' (Jast.), 'small wild dog' (Aruk). (12) A case of unnatural intercourse. (13) Judah ha-nasi (the Prince or Patriarch) I, who flourished 170-217 C.E., about a hundred years after the destruction of the second Temple. (14) So Bomberg ed.; MS.M., 'Parazika' (cf. Golds.); Cur. edd., 'Parkin'. (15) Deut. XXIII, 19. (16) The beast which a harlot receives for her intercourse with a dog. (17) A beast received as the price of a harlot who has been sold. (18) To be consecrated to the altar.

"*Unto him*", includes one who is adolescent'. But surely R. Simeon stated that 'virgin' implied a perfect virgin!¹ — His reason there is also derived from here, because he makes the following exposition: since [the Scriptural text], '*unto him*', was required to include one who is adolescent, it is to be inferred that 'virgin' implies a perfect virgin. *Three year old girl and priest*

It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest, for it is said, *But all the women children that have not known man by lying with him, keep alive for yourselves,*³ and Phinehas⁴ surely was with them. And the Rabbis?⁵ — [These were kept alive] as bondmen and bondwomen.⁶ If so,⁷ a proselyte whose age is three years and one day⁸ should also be permitted! — [The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him,*⁹ but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves,*³ but do not spare them if they have known. Consequently¹⁰ it must be said that Scripture speaks of one who is fit¹¹ for cohabitation,¹²

It was also taught likewise: *And every woman that hath known man;*⁹ Scripture speaks of one who is fit¹² for cohabitation. You say, 'Of one who is fit for cohabitation'; perhaps it is not so but of one who had actual intercourse? — As Scripture stated, *But all women children, that have not known man by lying with him,*³ it must be concluded that Scripture speaks of one who is fit for cohabitation.¹²

3 1/2 yr. baby "fit for cohabitation." *

(1) *Supra* 594. One who is adolescent is no more a perfect virgin. (2) She is not regarded as a harlot. (3) Num. XXXI, 18. (4) Who was a priest. (5) How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte? (6) Not for matrimony. (7) That, according to R. Simeon, Num. XXXI, 18 refers to matrimony. (8) So long as she has 'not known man'. (9) Num. XXXI, 17. (10) To reconcile the contradiction. (11) I.e., one who had attained the age of three years and one day. (12) Not one who had actually experienced it. (13) Implying that any grown-up woman is not to be spared, even if she hath not known man.

Whence did they know? — R. Hana^a b. Bizna replied in the name of R. Simeon the Pious: They were made to pass before the front-plate Of the face of anyone turned pale⁴ it was known that she was fit for cohabitation; if it did not turn pale⁴ it was known that she was unfit for cohabitation. *Virgin wine test.*

R. Nahman said: Dropsy is a manifestation of lewdness.

Similarly, it is said, *And they found among the inhabitants of Jabesh-gilead four hundred young virgins, that had not known man by lying with him;*⁵ whence did they know it?⁶ R. Kahana replied: *They made them sit upon the mouth of a wine-cask. [Through anyone who had] had previous intercourse, the odour penetrated; through a virgin, its odour did not penetrate. They should have been made to pass before the front-plate!*⁷—R. Kahana son of R. Nathan replied: It is written, *for acceptance*,⁸ for acceptance but not for punishment. If so, the same should have applied at Midian also!⁹ R. Ashi replied: It is written, *'unto them'*, implying *unto them*¹⁰ for acceptance but not for punishment; unto idolaters,¹¹ however, even for punishment.¹²

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement with R. Simeon b. Yoḥai. ¹³ Said R. Zera to R. Jacob b. Idi: Did you hear this ⁽¹⁾ explicitly or did you learn it by a deduction? What [could be the] deduction?—As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day, ¹⁴ and Rabbi declared her eligible to live with a priest ⁽¹⁵⁾

*Baby girl under 3 married

(1) Which of the Midianite women, referred to in the texts quoted, was, or was not fit for cohabitation. (2) Cur. edd., 'Huna'. (3) the gold plate which was worn by the High Priest on his forehead. V. Ex. XXVIII, 36ff. (4) Lit. 'sickly green'. (5) Judges XXI, 12. (6) Cf. *supra* n. 1 *mutatis mutandis*. (7) As was done in the case of the Midianites (v. *supra*). (8) Ex. XXVIII, 38, referring to the front-plate. (9) Why then was the test there performed before the plate? (10) Israelites, as were the inhabitants of Jabesh-gilead. (11) As were the Midianites. (12) By the front-plate. (13) That a proselyte under the age of three years and one day may be married by a priest. (14) And was married to a priest. (15) I.e., permitted her to continue to live with her husband.

Others say: R. Eleazar pointed out a contradiction: It is written *kenugedo*¹ but we read *kenegedo*!²—If he was worthy she is *meet for him*;³ if he was not worthy she chastises him.⁴

R. Jose met Elijah and asked him: It is written, *I will make him a help;*³ how does a woman help a man? The other replied: If a man brings wheat, does he chew the wheat? If flax, does he put on the flax?⁴ Does she not, then, bring light to his eyes and put him on his feet!

R. Eleazar further stated: What is meant by the Scriptural text, *This is now bone of my bones, and flesh of my flesh?* This teaches that Adam had intercourse with every beast and animal but found no satisfaction until he cohabited with Eve.

R. Eleazar further stated: What is meant by the text, *And in thee shall the families of the earth be blessed.*⁶ The Holy One, blessed be He, said to Abraham, 'I have two goodly shoots to engraft⁷ on you: Ruth the Moabite and Naamah the Ammonite.'⁸ All the families of the earth,⁶ even the other families who live on the earth are blessed only for Israel's sake. All the nations of the earth⁹ even the ships that go from Gaul to Spain are blessed only for Israel's sake.

Adam Libeled

R. Eleazar further stated: There will be a time when all craftsmen will take up agriculture; ¹⁰ for it is said, *And all that handle the oar, the mariners, and all the pilots of the sea, shall come down from their ships; they shall stand upon the land.*" *Agriculture and*

R. Eleazar further stated: No¹² occupation is inferior to that of agricultural labour; for it is said, *And they shall come down.*¹¹

R. Eleazar once saw a plot of land that was ploughed across its
misuse of scripture

(1) ^{נָגַד} (rt. נגד, 'to strike'). (2) ^{נִגְדָה} *meet for him*. (3) Gen. II, 18. (4) Obviously not. His wife grinds the wheat and spins the flax. (5) Gen. II, 27, emphasis on *This is now*. (6) ^{נִגְדָה} Ibid. XII, 3. (7) ^{נִגְדָה} in Hif. is of the same rt. (נָגַד) as ^{נִגְדָה} in Nif. (8) Both belonged to idolatrous nations and were 'grafted' upon the stock of Israel. The former was the ancestress of David (V. Ruth IV, 13ff), and the latter the mother of Rehoboam (v. I Kings XIV, 31) and his distinguished descendants Asa, Jehoshaphat and Hezekiah. (9) Gen. XVIII, 18. (10) Lit., 'they shall stand upon the land'. (11) Ezek. XXVII, 29. (12) Lit., 'not to thee'. (13) V. *supra* note 11, emphasis on *down*.

R. Johanan said: That 'profligate' had seven sexual connections on that day;² for it is said, Between her feet he sunk, he fell, he lay; at her feet he sunk, he fell; where he sunk, there he fell down dead.³ But, surely, she⁴ derived gratification from the transgression!—R. Johanan replied in the name of R. Simeon b. Yohai: All the favours of the wicked⁵ [103b] are evil for the righteous.⁶ For it is said, Take heed to thyself that thou speak not to Jacob either good or evil.⁷ Now, as regards evil, one can perfectly well understand [the meaning],⁸ but why not good? From here then it may be inferred that the favour of the wicked⁵ is evil for the righteous.

There,⁹ one can well see the reason,¹⁰ since he¹¹ might possibly mention to him the name of his idol;¹² what evil, however, could be involved here?¹³—That of infusing her with sensual lust. For R. Johanan stated: When the serpent copulated with Eve,¹⁴ he infused her¹⁵ with lust. The lust of the Israelites who stood at Mount Sinai,¹⁶ came to an end, the lust of the idolaters who did not stand at Mount Sinai did not come to an end. Ex. 175

IF THE WOMAN PERFORMED THE HALIZAH WITH A SANDAL THAT DID NOT BELONG TO HIM etc. Our Rabbis taught: [From the expression,] His shoe¹⁷ I would only know that his own¹⁸ shoe [is suitable];¹⁹ whence, however, is it deduced that anybody's shoe is suitable?²⁰ Hence was the term 'shoe' repeated,²¹ thus indicating the suitability of anyone's shoe.²² If so, why was the expression, His shoe, at all used?—'His shoe' implies one which he can wear, excluding a large one in which he cannot walk, excluding a small one which does not cover the greater part of his foot, and ex-

Standard Filth (a dying man)

(1) Sineira (2) When he fled from Barak and Deborah. (3) Judges V, 27. Each of the expressions he sunk ²³ and he fell ²⁴ occurs three times, and he lay ²⁵ occurs once. (4) For (5) Which they do for the righteous. (6) Cf. Hor. 10b, Naz. 13b. (7) Gen. XXXI, 24. (8) ²⁶ adv. or interr. (lit., 'for life'), 'very well'. (9) In the warning to Laban. (10) Why even good should not be spoken. (11) Laban. (12) Cf. Gen. XXXI, 30. (13) In the incident with Isael. (14) In the Garden of Eden, according to a tradition. (15) I.e., the human species. (16) And experienced the purifying influence of divine Revelation. (17) Deut. XXV, 9. (18) The levir's. (19) For his own halizah. (20) For the halizah of any other person. (21) Lit., 'it was stated shoe (bis)'. (22) Lit., 'from any place'.

would be subject to the same restrictions as any other] negative precept;¹ if [one follows] him who holds that it² is a positive precept,³ [it would be subject to the same restrictions as any other] positive precept.⁴ Whence, however, [its⁴ force⁵ in respect of] the yebamah and the levir?—It is arrived at by the analogy between the two expressions of 'coming'.⁶

Whence [its⁴ force⁷ in respect of the *kinyan*], between husband and wife?—It is arrived at by comparison between the expressions of 'taking'.⁸ Intercourse with relatives *

Raba said: For what purpose did the All Merciful write 'carnally' in connection with the designated bondmaid,⁹ a married woman,¹⁰ and a *sosah*?¹¹ That in connection with the designated bondmaid [is required] as has just been explained.¹² That in connection with a married woman excludes intercourse with a relaxed membrum.¹³ This is a satisfactory interpretation in accordance with the view of him who maintains that if one cohabited with forbidden relatives with relaxed membrum he is exonerated;¹⁴ what, however, can be said, according to him who maintains [that for such an act one is] guilty?—The exclusion is rather that of intercourse with a dead woman.¹⁵ Since it might have been assumed that, as [a wife], even after her death, is described as *his kin*,¹⁶ one should be guilty for [intercourse with] her [as for that] with a married woman, hence we were taught [that one is exonerated]. and with a dead woman—incest

(1) And, as has been shewn *supra*, the first stage is included in the restrictions. (2) The marriage with a stranger before *halizah* had been performed. (3) From Deut. XXV, 5, it follows that the levir *shall* marry her (positive); hence no other (negative); and a negative precept derived from a positive one has the force of the positive. (4) Of the first stage. (5) To constitute levirate marriage as if actual cohabitation had taken place. (6) Cf. *supra* p. 370, n. 10. The expression of 'coming' is also used in respect of the levir (v. Deut. XXV, 5). (7) Cf. *supra* note 5. (8) Used in the case of husband and wife (Deut. XXIV, 1) as well as in that of those whose penalty is *karth*. Cf. *supra* p. 370, n. 10. (9) Lev. XIX, 20. (10) Ibid. XVIII, 20. (11) Num. V, 13. (12) *Supra* 35a. (13) Since no fertilisation can possibly result. (14) Shebu. 18a, Sanh. 35a. (15) Even though she died as a married woman. (16) In Lev. XXI, 2, where the text enumerates the dead relatives for whom a priest may defile himself. As was explained, *supra* 22b, *his kin* refers to one's wife.

NAZIR

Exhibit 164

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

BY

RABBI B. D. KLIEN, B. A.

LONDON
THE SONCINO PRESS

1936

23b

NAZIR

Exhibit 165

committed adultery and on his account many tens of thousands of Israel perished.¹

R. Nahman b. Isaac said: A transgression performed with good intention is better than a precept performed with evil intention.² But has not Rab Judah, citing Rab, said: A man should always occupy himself with the Torah and [its] precepts, even though it be for some ulterior motive,³ for the result will be that he will eventually do them without ulterior motive?⁴—Read then: [A transgression performed with good intention is] as good as a precept performed for an ulterior motive, as it is written, *Blessed above women shall Jael be, the wife of Heber the Kenite. Above women in the tent shall she be blessed,*⁵ and by 'women in the tent', Sarah, Rebecca, Rachel and Leah are meant.⁶

R. Johanan said: That wicked wretch [Sisera] had sevenfold intercourse [with Jael] at that time, as it says, *At her feet he sunk, he fell, he lay;* etc.⁷ But she derived pleasure from his intercourse?—R. Johanan said:⁸ All the favours of the wicked are evil to the righteous, for it says, *Take heed to thyself that thou speak not to Jacob either good or bad.*⁹ Now [that he was not to speak] had we can understand, but why was he not to speak good? Thus it may properly be inferred that the good of such a one is an evil.

The above text [states]: Rab Judah, citing Rab, said: A man should always occupy himself with the Torah and [its] precepts, even though it be for some ulterior motive, for the result will be that he will eventually do them without ulterior motive. For as reward for the forty-two sacrifices which the wicked Balak offered,¹⁰ he was privileged to be the progenitor of Ruth, for R. Jose son of

(1) In the plague; v. Num. XXV, 9. (2) For an example see below. (3) *למנוח*, 'for its own sake'. (4) An example of this occurs below. (5) Jud. V, 24. (6) The word 'tent' occurs in connection with each of these (Tosaf.). Rashi omits Rebecca and says that the reference is to the fact that each of the other three gave their handmaidens to their husbands with ulterior motive. (7) The words 'he sunk', 'he fell', occur three times each, and the words 'he lay' once Jud. V, 27. (8) Var. lec. R. Johanan said R. Simon b. Yohai said (Eru. 10b). (9) Gen. XXXI, 29. (10) On the occasion of Balaam's attempt to curse Israel v. Num. XXIII-XXIV.

R. Hanina has said that Ruth was descended from¹ Eglon, [the grandson of Balak,]² king of Moab.

R. Hiyya b. Abba, citing R. Johanan, said: How do we know that the Holy One, blessed be He, does not withhold the reward even for a decorous expression? The elder daughter [of Lot] called her son Moab³ and so the All-Merciful One said [to Moses]:⁴ *Be not at enmity with Moab, neither contend with them in battle.*⁵ Only war was forbidden, but they might be harassed. The younger daughter, on the other hand, called [her son's] name Ben-Ammi⁶ and so it says, *Harass them not, nor contend with them.*⁷ They were not to be harassed at all.

R. Hiyya b. Abin said: R. Joshua b. Korha said: A man should always be as alert as possible to perform a precept, for as reward for anticipating the younger by one night, the elder daughter [of Lot] [24a] was privileged to appear in the genealogical record of the royal house of Israel, four generations⁸ earlier.

MISHNAH. IF A WOMAN MAKES A NAZIRITE VOW AND SETS ASIDE THE REQUISITE ANIMAL [FOR THE SACRIFICE] AND HER HUSBAND SUBSEQUENTLY DECLARES [THE VOW] VOID, THEN, IF THE ANIMAL WAS ONE OF HIS OWN, IT CAN BE PUT TO PASTURE WITH THE HERD,⁹ BUT IF IT WAS ONE OF HERS, THE SIN-OFFERING IS TO BE LEFT TO DIE, THE BURNT-OFFERING IS TO BE OFFERED AS AN [ORDINARY] BURNT-OFFERING, AND THE PEACE-OFFERING IS TO BE OFFERED AS AN [ORDINARY] PEACE-OFFERING. THIS [LAST], HOWEVER, MAY BE EATEN FOR ONE DAY [ONLY]¹⁰ AND REQUIRES NO LOAVES.¹¹ IF SHE HAS A LUMP SUM OF MONEY¹² [SET ASIDE

(1) Lit., the granddaughter of', cf. Tosaf. (2) Inserted from Hor. 10b. (3) Lit., 'of my father'. (4) Inserted from Hor. 10b. (5) Deut. II, 9. (6) Lit., 'son of my people'. A less shameless appellation. (7) Deut. II, 19. (8) Obed, Jesse, David and Solomon through Ruth; while Rehoboam was a son of Naamah, the Ammonitess. (9) I.e., it ceases to be sacred and may be returned to the fold. (10) Until midnight, the period allowed for a nazirite offering (v. Zeb. V, 6); whereas an ordinary peace-offering could be eaten for two days and a night. (V. Ibid. V, 7). (11) Whereas a nazirite offering does require them. V. Num. VI, 15. (12) I.e., if the sums to be spent on the separate sacrifices were still unspecified.

SOTAH

Exhibit 167

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

BY

THE REV. DR A. COHEN, M.A., PH.D.

LONDON

THE SONCINO PRESS

1936

does disqualify her. This is in agreement with R. Johanan who said in the name of R. Ishmael: Whence is it that a gentile or a slave who had intercourse with a priest's daughter or Levite's daughter or an Israelite's daughter disqualifies her [for the heave-offering]? As it is said, *But if a priest's daughter be a widow, or divorced*¹—only in the case of a man where her widowhood or divorce [is legally recognised],² thus excluding a gentile or slave where her widowhood or divorce is not [legally recognised].³ What, then, [does the phrase AND NOT A MAN] exclude?—R. Papa said: It excludes an animal, because there is not adultery in connection with an animal.⁴

Raba of Parazika⁵ asked R. Ashi: Whence is the statement which the Rabbis made that there is no adultery in connection with an animal?—Because it is written, *Thou shalt not bring the hire of a harlot or the wages of a dog etc.*⁶ and it has been taught: The hire of a dog⁷ and the wages of a harlot⁸ are permissible, as it is said, *Even both these⁹—the two [specified in the text are abominations] but not four.*¹⁰

What is the purpose [of the Scriptural phrase] *carnally*?¹¹—It is required for this teaching: '*Carnally*' to the exclusion of something else. What means 'something else'?—R. Shesheth said: It excludes the case where he warned her against unnatural intercourse. Raba said to him, [It excludes the case where he warned her against] unnatural intercourse? It is written, *As lying with mankind!*¹² But, said Raba, it excludes the case where he warned her against contact of the bodies.⁽¹⁾ Abaye said to him, That is

(1) Lev. XXII, 13. (2) Does she return to her father's house and eat the heave-offering. (3) Therefore a gentile cannot be intended by the Mishnah. (4) She would not be prohibited to her husband for such an act. (5) Farasag near Bagdad v. B.B. (Sonc. ed.) p. 15, n. 4. He is thus distinguished from the earlier Rabbi of that name. (6) Deut. XXIII, 19. (7) Money given by a man to a harlot to associate with his dog. Such an association is not legal adultery. (8) If a man had a female slave who was a harlot and he exchanged her for an animal, it could be offered. (9) Are an abomination unto the Lord (ibid.). (10) Viz., the other two mentioned by the Rabbis. (11) In Num. V, 13, since the law applies to a man who is incapable. (12) Lev. XVIII, 22. The word for 'lying' is in the plural and is explained as denoting also unnatural intercourse. (13) With the other man, although there is no actual coition.

merely an obscene act [and not adultery], and did the All-Merciful prohibit [a wife to her husband] for an obscene act? But, said Abaye, it excludes the case where he warned her against external contact. This is quite right according to him who maintains that by sexual contact is to be understood insertion.⁽¹⁾ Inasmuch as external contact is not regarded, and consequently the Scriptural phrase is intended to exclude the latter; but according to him who maintains that sexual contact is the external contact what is there to say?—Certainly [the Scriptural phrase is intended to exclude the case where] he warned her against contact of the bodies; and should you argue that the All-Merciful made it depend upon the husband's objection [to such conduct] and behold the husband did object,² therefore he informs us [that the phrase '*carnally*' is to exclude this].

Samuel said: Let a man marry [27a] a woman of ill-repute rather than the daughter of a woman of ill-repute, since the former comes from pure stock and the latter from impure stock.³ R. Johanan, however, said: Let a man marry the daughter of a woman of ill-repute rather than a woman of ill-repute, since the former is presumably chaste whereas the latter is not. An objection was raised: One should marry a woman of ill-repute!—Raba said: Can you possibly think that [the meaning is that] he should marry [a woman of ill-repute who is such] at the outset? But the statement should take this form: 'If a man married [a woman of ill-repute]; and similarly [read] 'the daughter of a woman of ill-repute'.⁴ But the legal decision is: Let a man marry the daughter of a woman of ill-repute rather than a woman of ill-repute; because R. Tahlifa, the son of the West,⁵ recited in the presence of R. Abbahu, If a woman is an adulteress, her children are legitimate since the majority of the acts of cohabitation are ascribed to the husband.

R. Amram asked: How is it if she was excessively dissolute?⁶

(1) Which is legally equal to complete coition. (2) As evidenced by his warning. (3) [As it is not known with whom the mother had relation.] (4) [Since the Baraita has to be amended in any case we might just as well amend 'a woman' into 'the daughter of a woman etc.']. (5) I.e., the Palestinian. (6) Are the children legitimate?

NEDARIM

Exhibit 170

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

BY

RABBI DR H. FREEDMAN, B. A., PH. D.

LONDON

THE SONCINO PRESS

1936

NEDARIM Exhibit 171 23a-23b

Abaye's wife had a daughter. He declared, '[She must marry] one of *my* relations,' and *she* maintained, 'one of *mine*'. So he said to her: '[All] benefit from me be forbidden to you if you disregard my wish and marry her to one of your relations.' She went, ignored his desire, and married her to her relation. [Subsequently Abaye] went before R. Joseph [for absolution], who asked him: 'Had you known that she would disregard your wish and marry her to her relation, would you have vowed?' He answered, 'No,' and R. Joseph absolved him. But is such permitted? — Yes; and it was taught: A man once imposed a vow on his wife not to make the festival pilgrimage [to Jerusalem]; but she disregarded his wish, and did go. He went to R. Jose [for absolution], who said to him, 'Had you known that she would disregard your wish and make the journey, would you have imposed the vow on her?' He answered, 'No,' and R. Jose absolved him.

Ko7 Nidre

MISHNAH. R. ELIEZER B. JACOB SAID: ALSO HE² WHO WISHES TO SUBJECT HIS FRIEND TO A VOW TO EAT WITH HIM, SHOULD DECLARE: 'EVERY VOW WHICH I MAY MAKE IN THE FUTURE SHALL BE NULL. [HIS VOWS ARE THEN INVALID.] PROVIDING THAT HE REMEMBERS THIS AT THE TIME OF THE VOW.'

GEMARA. But since he says, 'Every vow which I may make in the future shall be null,' he will surely not listen to him¹ and not come to [eat with] him?—[23b] The text is defective, and this is what was taught: He who desires his friend to eat with him, and

of sceptic, heretic, and that is its probable meaning in Sanh. XI, 1, where an *apikoros* is excluded from the world to come. The definition given in the Gemara, 99b, viz., one who is scornful of the Rabbis, which is the same as it bears here, was in all probability an extension of its meaning, due to feuds between the Rabbis and some sections of the people. (8) And as their adherents naturally try to punish them, the incident could have been anticipated, and therefore is not regarded as unexpected

(1) The vow itself providing cause for absolution. (2) The friend. (3) This too is an example of a vow of incitement; v. Gemara.

after urging him, imposes a vow upon him, it is 'a vow of incitement [and hence invalid]. And he who desires that none of his vows made during the year shall be valid, let him stand at the beginning of the year and declare, 'Every vow which I may make in the future shall be null.' [HIS VOWS ARE THEN INVALID.] PROVIDING THAT HE REMEMBERS THIS AT THE TIME OF THE VOW. But if he remembers, he has cancelled the declaration and confirmed the vow?—Abaye answered: Read: providing that it is *not* remembered at the time of the vow. Raba said, After all, it is as we said originally. Here the circumstances are e.g., that one stipulated at the beginning of the year, but does not know in reference to what. Now he vows. Hence, if he remembers [the stipulation] and he declares: 'I vow in accordance with my original intention', his vow has no reality. But if he does not declare thus, he has cancelled his stipulation and confirmed his vow.

R. Huna b. Hinena wished to lecture thereon [sc. anticipatory cancellation] at the public session. But Raba remonstrated with him: The Tanna has *intentionally* obscured the law,⁴ in order that vows should not be lightly treated, whilst you desire to teach it publicly!

KOL NIDRE

The scholars propounded: Do the Rabbis disagree with R. Eliezer b. Jacob or not?⁵ And should you say that they differ, is the *halachah* like him or not?⁶—Come and hear: For we learnt: If one

(1) This may have provided a support for the custom of reciting *Kol Nidre* (a formula for dispensation of vows) prior to the Evening Service of the Day of Atonement (Ran.). The context makes it perfectly obvious that only vows, where the maker abjures benefit from aught, or imposes an interdict of his own property upon his neighbour, are referred to. V. J.E. s.v. *Kol Nidre*. Though the beginning of the year (New Year) is mentioned here, the Day of Atonement was probably chosen on account of its great solemnity. But *Kol Nidre* as part of the ritual is later than the Talmud, and, as seen from the following statement about R. Huna b. Hinena, the law of revocation in advance was not made public. (2) Since, when vowing, he knows of his previous declaration, he obviously disregards it, as otherwise he would not vow at all. (3) The received text is correct. (4) By giving a defective text. This implies that here, at least, the lacuna is not accidental, due to faulty transmission, but deliberate; cf. p. 2, n. 3. (5) But regard this as a binding vow. (6) Since the Mishnah teaches it as an individual opinion.

ABODAH ZARAH

Exhibit 173

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

FOLIOS 1-33b

BY

A. MISHCON

FOLIOS 33b TO THE END

BY

A. COHEN, M.A., Ph. D.

LONDON

THE SONCINO PRESS

1935

Arabia.¹ When R. Dimi came² he said that to these had been added the market-place³ [with the idol] in 'En-Beki and the Nidbakah of Acre [some call it Nitbara of Acre]⁴. R. Dimi of Nahardea gave these in the reversed order: The market place of Acre, the Nidbakah of 'En-Beki.

Said R. Hanan son of R. Hisda to R. Hisda: What is meant by saying that these [Temples] are 'appointed'?—He answered him: This is how your mother's father⁵ explained it, 'They are appointed permanently; regularly all the year round worship is taking place in them.

Said Samuel: In the Diaspora⁶ it is only forbidden [to transact business with idolaters] on the actual festival days alone.⁷ And is it forbidden even on the actual days of the Festivals, did not Rab Judah declare it permissible to R. Bruna to buy wine and to R. Giddal to buy wheat on the Festival of the Travellers?⁸—The Festival of the Travellers is different, as it is not a fixed one.⁹

"Business" and idolatry

MISHNAH. WHEN AN IDOLATROUS [FESTIVAL] TAKES PLACE WITHIN A CITY IT IS PERMITTED [TO TRANSACT BUSINESS WITH HEATHEN] OUTSIDE IT; IF THE IDOLATROUS [FESTIVAL] TAKES PLACE OUTSIDE IT, [BUSINESS] IS PERMITTED WITHIN IT. HOW ABOUT GOING THERE? IF THE ROAD

(1) An Arabian deity resembling an eagle Heb. נַשִּׁיר Arab. *Nasr*. (2) To Babylon from Palestine. (3) יָרִיד, *yerid*—a yearly fair accompanied by idol-worship, evidently identical with נִדְבָכָה Nidbakah. The two terms are indeed interchanged here in manuscripts. 'En-Beki עֵין-בְּכִי assumed to be identical with בעל-בְּכִי Baalbek, a place between the Lebanon and Anti-Lebanon mountains, the Greek Heliopolis. Acre עַכְי; town on Phoenician shore at foot of Mt. Carmel; the 'Ummah עֻמָּה of Josh. XIX, 30. (4) The words in parenthesis are not found in the MS.M. (5) [R. Hanan b. Raba, the son-in-law of Rab; v. Hyman, *Toledoth*. p. 517.] (6) Since the Jews depend for their livelihood on heathens. (7) V. *supra* 7b. (8) טַי, Tai, traveller, especially Bedouin merchants, the Tai being a name of an Arab tribe applied to all Bedouins, as a part to a whole. Obermeyer, *Die Landschaft Babylonien*, 234 renders it simply 'Festivals of the Tai', whose festivals were not determined by the calendar and consequently bore no religious character.] (9) It cannot therefore be cited as a case for establishing a general rule.

LEADS SOLELY TO THAT PLACE, IT IS FORBIDDEN;¹ BUT IF ONE CAN GO BY IT TO ANY OTHER PLACE, IT IS PERMITTED.

(What road leads to just one place?)

GEMARA. What may be regarded as OUTSIDE IT?—Said R. Simeon b. Lakish, such as, for example, the bazaar of Gaza.² Some report this as follows: R. Simeon b. Lakish asked of R. Hanina, How about the market-place of Gaza?³—He replied: Have you never gone to Tyre⁴ and seen an Israelite and an idolater [12a] placing two pots on the same stove? yet the Sages did not mind.⁵

What is it that they did not mind?⁶ Said Abaye: The possibility of eating 'flesh of *nebelah*:⁷ We are not to presume that while the Israelite turned his face, the heathen dropped some *nebelah* into his pot; as a parallel case, here too the Sages should not mind the possibility of receiving money of an idolater,⁸ Raba said, what the Sages did not mind there is the cooking by a heathen; the parallel being that here too, the Sages should not object to the transacting of business on account of the festivity.⁹ Rabbah b. 'Ulla said:

(1) As he might be regarded as going to the celebration. (2) A Philistine city on Mediterranean coast, S.E. of Jerusalem, inhabited by pagans. Its bazaar, though quite close to it, is considered 'outside it'. (3) Being quite close to the city, should it be termed 'outside it' according to the Mishnah or not? (4) A Phoenician city. (5) So also no objection need be raised against transacting business with the idolaters in the bazaar merely because of the festival held at Gaza in proximity to it. (6) What kind of prohibition was disregarded in the case of Tyre, which might offer an analogy to our case? (7) נְבִלָה, *nebelah*, flesh of any animal, even a clean one, which dies of itself, or which is not slaughtered in accordance with ritual law and is forbidden to a Jew. (8) We are not to assume that the money paid by the heathen outside the city for the animal sold to him by the Jew, has been handed to him by an idolater within the city with the express order of procuring a sacrifice for the idolatrous festival. *Ye shall not eat of anything that dieth of itself* (Deut. XIV 21) being a scriptural injunction, the practice in Tyre may be taken as a parallel for waiving the scriptural prohibition, *There shall cleave naught of the devoted thing to thy hand* (Deut. XIII, 18) which is applied to things connected with idolatry (v. *infra* 64a). Thus, according to Abaye, even a possible transgression of a scriptural prohibition may be disregarded under the circumstances given here. (9) Raba's contention is that in the case of Tyre there is no Scriptural prohibition involved at all. The possibility of eating forbidden flesh could not have occurred to the Sages, for there is no ground for suspecting the heathen of the offence of tampering with the Israelite's food. What did suggest itself

one who swallows a leech it is permissible to get water heated on the Sabbath.¹

There was actually a case of one swallowing a leech, when R. Nehemiah declared it permissible to get water heated for him on the Sabbath. 'Meanwhile', said R. Huna son of R. Joshua, 'let him sip vinegar'. Said R. Idi b. Abin: One who has swallowed a wasp cannot possibly live. Let him however drink a quarter² of strong vinegar; perhaps [by this means] he will live long enough to set his house in order.

Our Rabbis taught: One should not drink water in the night;³ if he does drink his blood is on his head, for it is dangerous. What danger is there? The danger of Shabriri.⁴ But if he be thirsty, how can he put things right?—If there is another person with him, he should wake him and say: 'I am athirst for water'. If not, let him knock with the lid on the jug and say to himself: 'Thou [giving his name] the son of [naming his mother], thy mother hath warned thee to guard thyself against Shabriri, briri, riri, iri, ri, which prevail in blind vessels.'⁵

Demon Shabriri "shrinks"
See Exh. 281

MISHNAH. A CITY IN WHICH IDOLATRY IS TAKING PLACE, SOME OF ITS SHOPS BEING DECORATED WITH GARLANDS AND SOME NOT DECORATED⁶—THIS WAS THE CASE WITH BETH-SHEAN,⁷ AND THE SAGES SAID: IN THE DECORATED ONES IT

(1) The biblical injunction *ye shall kindle no fire throughout your habitation upon the Sabbath day* (Ex. XXXV, 3) is to be waived in cases where danger to life is involved; hence the swallowing of a leech is regarded as dangerous. (2) Of a Log. (3) V. Pea. 112a, where the words 'either from streams or from pools' are added. (4) שַׁבְרִירִי Aram. 'blindness'; v. Targum to Gen. XIX, 11. Generally taken as a contraction of the words שׁוֹבֵר רְאוּיָה breaker of the eyesight. Kohut, s. v. שַׁבְרִירִי asserts that the correct reading is *shab-khiri*, Persian for nightblindness.—'A demon appointed over the affliction of blindness' (Rashi). (5) So Kohut, who calls attention to the resemblance of this incantation against the demon of blindness to the amulet bearing the inscription Abracadabra reduced by one letter on each succeeding line till the last letter only remains, and used by Romans as an antidote to the influence of evil spirits. (6) The decoration signified that part of the proceeds in that shop is dedicated to idolatry. (7) Place in Palestine south of Lake Gennesareth, v. Josh. XVII, 16 and, Judges I, 27. The modern Baisan.

black-pot.'¹ Through me and you this report will be completed.' It has indeed been stated so: R. Zera said in the name of R. Assi, in the name of Rabbah b. Jeremiah, in the name of R. Hama b. Guria, in the name of Rab: To a big animal the same rule applies as to small cattle as regards struggling.

ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE.

Said Rabbah b. Bar-Hana in the name of R. Johanan: There are three kinds of basilica-buildings: those attached to royal palaces, baths, or store-houses. Said Raba: Two of these are permitted and one³ is forbidden; as a reminder [take the phrase], *To bind their Kings with chains.*⁴ Some report, Raba said: All [basilicae] are permitted. But have we not learnt, ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE?—This should be taken to mean a basilica attached to an executioner's scaffold, a stadium or a tribune.⁵

Our Rabbis taught:⁶ When R. Eliezer⁷ was arrested because of *Minuth*⁸ they brought him up to the tribune to be judged. Said the governor⁹ to him, 'How can a sage man like you occupy himself with those idle things?' He replied, 'I acknowledge the Judge as right.' The governor thought that he referred to him—though he really referred to his Father in Heaven—and said, 'Because thou hast acknowledged me as right, I pardon; thou art acquitted.'

(1) The mild rebuke was presumably warranted by R. Zera's attire. (2) [That it was R. Hama who heard it from Rab and from whom Rabbah in turn had heard it reported.] (3) Connected with the royal palace—where men are sometimes sentenced to death. (4) לְאַסּוּר מְלִכֵּיהֶם בְּזִיקִים Ps. CXLIX, 8. לְאַסּוּר suggests prohibition. (5) Otherwise, even one of a royal palace is permitted; the latter being only used as part of the royal residence. (6) The following incident is recorded with considerable variations in Eccl. Rab. I, 8. (7) For the historical significance of this story, v. Klausner's Jesus of Nazareth, p. 37ff and references there given; also T. Herford's, *op. cit.* p. 143 and note. (8) מִנּוּת (abstract noun of מִן—*Min*, v. *supra*, p. 14, n. 2) 'heresy', with special reference to Christianity. [During the Roman persecution of Christians in Palestine in the year 109 under Trajan (Herford, *loc. cit.*) R. Eliezer b. Hyrcanus was arrested on suspicion of following that sect.] (9) מִשְׁפָּט. (10) דִּמְיִס, *dimissus*.

anti-Christianity

When he came home, his disciples called on him to console him, but he would accept no consolation. Said R. Akiba to him, 'Master, wilt thou permit me to say one thing of what thou hast taught me?' He replied, 'Say it.' 'Master,' said he, 'perhaps some of the teaching of the *Minim* had been transmitted to thee [17a] and thou didst approve of it and because of that thou wast arrested?' He exclaimed: 'Akiba thou hast reminded me.' I was once walking in the upper-market of Sepphoris when I came across one [of the disciples of Jesus the Nazarene]¹ Jacob of Kefar-Sekaniah² by name, who said to me: It is written in your Torah, *Thou shalt not bring the hire of a harlot . . . into the house of the Lord thy God.*³ May such money be applied to the erection of a retiring place for the High Priest?⁴ To which I made no reply. Said he to me: Thus was I taught [by Jesus the Nazarene],⁵ *For of the hire of a harlot hath she gathered them and unto the hire of a harlot shall they return:*⁶ they came from a place of filth, let them go to a place of filth. Those words pleased me very much, and that is why I was arrested for apostasy: for thereby I transgressed the scriptural words, *Remove thy way far from her*—which refers to *minuth*—and come not nigh to the door of her house,⁸—which refers to the ruling power.⁹ **Christians**

There are some who apply, 'Remove thy way from her' to *minuth* as well as to the ruling power, and, 'and come not nigh to the door of her house' to a harlot. And how far is one to keep away? Said R. Hisda: Four cubits. And to what do the Rabbis¹⁰ apply, of the hire of a harlot?—To the saying of R. Hisda. For R. Hisda said: Every harlot who allows herself to be hired will at the end have to hire,¹¹ even as it is said, *And in that thou givest hire, and no hire is given to thee, thus*

Christianity
(1) He was sorely grieved to have been at all suspected of apostasy. (2) The bracketed words occur in MS. M. (3) [Identified with Suchnin, north of the plain of El Battauf in Galilee (v. Klein, *Neue Beitr. z. Geschichte und Geogr.*, 20ff); and this Jacob may have been either James the son of Alphaeus (Mark III, 18) or James the Little (ibid. XV, 40).] (4) Deut. XXIII, 19. (5) Who spent the whole night preceding the Day of Atonement in the precincts of the Temple where due provision had to be made for all his conveniences. (6) V. n. 3. (7) Micah I, 7. (8) Prov. V, 8. (9) Cf. Ab. I, 10, 'Seek not intimacy with the ruling power'; also ib. II, 3. (10) Who do not share the view of Jacob cited above. (11) She will be despised by all.

*thou art reversed.*¹ This² is contrary to what R. Pedath said; for R. Pedath said: Only in the case of incest did the Torah forbid close approach, as it is said, *None of you shall approach to any that is near of kin to him to uncover their nakedness.*⁴

'Ulla' on returning from college used to kiss his sisters on the hand; some say, on the breast. He, then, contradicts himself. For 'Ulla said: Even mere approach is forbidden because we say to a Nazarite,⁵ 'Go, go—round about; but do not approach the vineyard.'⁷ **Christians and hated Govt. Rome**

*The horse-leech hath two daughters: Give, give.*⁸ What is meant by 'Give, give'? Said Mar 'Ukba: It is the voice of the two daughters who cry from Gehenna calling to this world: Bring, bring! And who are they? *Minuth*⁹ and the Government.¹⁰ Some report: Said R. Hisda in the name of Mar 'Ukba: It is the voice of Hell crying and calling: Bring me the two daughters who cry and call in this world, 'Bring, bring.' **Christianity and Incest**

Scripture says, *None that go unto her return neither do they attain the paths of life.*¹¹ But if they do not return, how can they attain [the paths of life]?—What it means is that even if they do turn away from it they will not attain the paths of life.¹² Does it mean then that those who repent from *minuth* die? Was there not that woman who came before R. Hisda confessing to him that the lightest sin that she committed was that her younger son is the issue of her older son? Whereupon R. Hisda said: Get busy in preparing her shrouds—but she did not die. Now, since she refers to her [immoral] act as the lightest sin, it may be assumed that she had also adopted *minuth* [and yet she did not die]!—That one did not altogether renounce her evil-doing, that is why she did not die.

Some have this version: [Is it only] from *minuth* that one dies if **Christianity**

(1) Ezek. XVI, 34. (2) The distance of four cubits prescribed by R. Hisda. (3) Shab. 13a. (4) Lev. XVIII, 6. (5) V. Shab. 13a. (6) Who has vowed to abstain from wine or anything issuing from the vine (v. Num. VI, 1 seq.). (7) *Infra* 58b. (8) Prov. XXX, 15. (9) Which continually lures the unwary to its erroneous teaching. (10) Which constantly imposes fresh taxes and duties. (11) Prov. II, 19, applied to those converted to idolatry. (12) Torment of remorse will shorten their lives. **Christianity**

one repents, but not from other sins? Was there not that woman who came before R. Hisda who said, Prepare her shrouds and she died? — Since she said [of her guilt] that it is one of the lightest, it may be assumed that she was guilty of idolatry also.¹

And does not one die on renouncing sins other [than idolatry]? Surely it has been taught: It was said of R. Eleazar b. Dordia that he did not leave out any harlot in the world without coming to her. Once, on hearing that there was a certain harlot in one of the towns by the sea who accepted a purse of *denarii* for her hire, he took a purse of *denarii* and crossed seven rivers for her sake. As he was with her, she blew forth breath and said: As this blown breath will not return to its place, so will Eleazar b. Dordia never be received in repentance. He thereupon went, sat between two hills and mountains and exclaimed: O, ye hills and mountains, plead for mercy for me! They replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, *For the mountains shall depart and the hills be removed!*² So he exclaimed: Heaven and earth, plead ye for mercy for me! They, too, replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, *For the heavens shall vanish away like smoke, and the earth wax old like a garment.*³ He then exclaimed: Sun and moon, plead ye for mercy for me! But they also replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, *Then the moon shall be confounded and the sun ashamed.*⁴ He exclaimed: Ye stars and constellations, plead ye for mercy for me! Said they: How shall we pray for thee? We stand in need of it ourselves, for it is said, *And all the hosts of heaven shall moulder away.*⁵ Said he: The matter then depends upon me alone! Having placed his head between his knees, he wept aloud until his soul departed. Then a *bath-kol*⁶ was heard proclaiming: 'Rabbi Eleazar b. Dordai is destined for the life of the world to come!' Now, here was a case of a sin [other than *minuth*] and yet he did die! — In that case, too, since he was so much addicted to immorality it is as [if he had been guilty of] *minuth*. Rabbi [on

Like Christianity

(Christianity)

(1) Though her sin was incest and not *minuth*! (2) Isa. LIV, 10. (3) Ibid. LI, 6. (4) Ibid. XXIV, 23. (5) Ibid. XXXIV, 4. (6) 'A heavenly voice', v. Glos.

been old and feared lest I be trampled under your feet.' 'And how many old people have been trampled till now?' he was asked. A miracle [again] happened; for on that very day an old man had been trampled. 'And why did you let your slave go free?' He replied, 'No such thing ever happened.' One of them then was rising to give evidence against him, when Elijah came disguised as one of the dignitaries of Rome and said to that man: As miracles were worked for him in all the other matters, a miracle will also happen in this one, and you will only be shown up as bad natured. He, however, disregarded him and stood up to address them, when a written communication from important members of the government had to be sent to the Emperor and it was dispatched by that man. [On the road] Elijah came and hurled him a distance of four hundred *parasangs*. So that he went¹ and did not return. *Tetragrammaton reserved for sorcery*

They then brought up R. Hanina b. Teradion and asked him, 'Why hast thou occupied thyself with the Torah?' He replied, 'Thus the Lord my God commanded me.' At once they sentenced him to be burnt, his wife to be slain, and his daughter to be consigned to a brothel.

(The punishment of being burnt came upon him because he [18a] pronounced the Name in its full spelling.) But how could he do so? Have we not learnt: The following have no portion in the world to come: He who says that the Torah is not from Heaven, or that the resurrection of the dead is not taught in the Torah. Abba Saul says: Also he who pronounces the Name in its full

between Jews and the early Christians. [Meaning of the word still obscure despite the many and varied explanations suggested; e.g., (a) House of the Ebionites, (b) *Abadan* (Pers.) 'forum', (c) *Bah Mebadan* (Pers.), i.e., House of the chief magi; v. Krauss, *Synagogale Alterthümer*, p. 31].

(1) In accordance with the Biblical injunction to free all Jewish slaves after six years, or at the advent of the Jubilee Year—the fifth offence with which he was charged. (2) Without giving the intended evidence. (3) This was forbidden by Hadrian under penalty of death. (4) The Tetragrammaton, the four-lettered Name of God, יהוה, was fully pronounced only by the Priests in the temple when blessing the people. Everywhere else it was pronounced 'Adonai'. For full treatment of the subject, v. J.E. IX, 162 seq.

[the victim].¹ One is also permitted to go to a camp for the purpose of maintaining order in the country, providing he does not conspire [with the Romans], but for the purpose of conspiring it is forbidden. There is thus a contradiction between [the laws relating to] stadiums as well as between [those relating to] camps! There may indeed be no contradiction between those relating to camps, because the one may refer to where he conspires with them, and the other to where he does not; but the laws relating to stadiums are surely contradictory!—They represent the differing opinions of [two] Tannaim. For it has been taught: One should not go to stadiums because [they are] 'the seat of the scornful', but R. Nathan permits it for two reasons: first, because by shouting one may save [the victim], secondly, because one might be able to give evidence [of death] for the wife [of a victim] and so enable her to remarry.

Our Rabbis taught: One should not go to theatres or circuses because entertainments are arranged² there in honour of the idols. This is the opinion of R. Meir. But the Sages say: Where such entertainments are given there is the prohibition of being suspected of idolatrous worship, and where such entertainment is not given, the prohibition is because of being in 'the seat of the scornful'. What is the difference between these two reasons?³ Said R. Hanina of Sura: There is a difference in the case of calling to do business.⁴

R. Simeon b. Pazi expounded [the foregoing verse as follows]: What does Scripture mean by, *Happy is the man that hath not walked in the counsel of the wicked, nor stood in the way of sinners, nor sat in the seat of the scornful?*⁵ If he did not walk [that way] at all how could he stand there? And if he did not stand there he obviously did not sit [among them], and as he did not sit among them he could not

Attending idolatrous festivals

(1) From the animal which might be scared by their shouts. [Rabbi: They might succeed in rescuing the victim by interceding on his behalf.] (2) [יָצְאוּ, Levy takes it as lakophemism for יָצְאוּ 'sacrifice'.] (3) Since according to the Sages one is forbidden to enter such places in any case, is there any difference between a place where idolatrous entertainments are present or absent? (V. T. *Yoma* 24v. 20.) (4) In the absence of idolatrous entertainments the sages would not forbid the going for such purposes, since the purpose is not to sit in the seat of the scornful. (5) Ps. I. 1.

But his delight is in the Law of the Lord, and in His Law doth he meditate day and night. And he shall be like a tree planted by streams of water, that bringeth forth its fruit in its season, and whose leaf doth not wither; and in whatsoever he doeth he shall prosper.¹ *Building for idols*
R. Alexandri was once calling out, 'Who wants life, who wants life?' All the people came and gathered round him saying: 'Give us life!' He then quoted to them, *Who is the man who desireth life and loveth days that he may see good therein? Keep thy tongue from evil and thy lips from speaking guile, depart from evil and do good, seek peace and pursue it.*² Lest one say, 'I kept my tongue from evil and my lips from speaking guile, I may therefore indulge in sleep.' Scripture therefore tells us, *Turn from evil and do good.* By 'good' nought but Torah is meant; as it is said, *For I have given you a good doctrine, forsake ye not my Torah.* *The Corkscrew mind*

WHEN, HOWEVER, HE REACHES THE CUPOLA IN WHICH THE IDOL IS PLACED [HE MUST NOT BUILD]. Said R. Eleazar in the name of R. Johanan: If, however, he did build, the pay he received is permitted. This surely is obvious: it is a case of appurtenances of idols, and appurtenances of idols, whether according to R. Ishmael or according to R. Akiba,³ are not forbidden till actually worshipped!—Said R. Jeremiah: It is necessary in the case of the idol itself. (1) This would be right according to the one⁴ who holds that [to derive any benefit from] the making of an idol for an Israelite⁵ is forbidden forthwith, but from the making of one for an idolater, not until it is worshipped. In that case this is very well; but according to the one who holds that even when made for an idolater [any benefit] is forbidden forthwith, what is there to be said?⁶—But, said Rabbah b. Ulla, the statement is necessary in regard to the last stroke of work; for what is it that makes the idol fit for worship? It is its completion; and when is the completion

(1) Ps. I. 2-3. (2) Ibid. XXXIV, 13-15. (3) V. *infra* 31b. seq. (4) Where an Israelite has been working at the making of an idol, R. Eleazar's statement, permitting the use of the payment for such work, is necessary. (5) The point is under dispute between R. Ishmael and R. Akiba in the reference given above. (6) Probably for calling to idolatry. (7) About the statement of R. Eleazar permitting the payment received.

brought about? With the last stroke.' But the last stroke does not constitute the value of a *perutah*.⁽¹⁾ Consequently, he holds the opinion that the wage is earned from the beginning to the end [of the work].¹

For payment — how to evade

MISHNAH. ONE SHOULD NOT MAKE JEWELLERY FOR AN IDOL [SUCH AS] NECKLACES, BAR-RINGS, OR FINGER-RINGS. R. ELIEZER SAYS, FOR PAYMENT IT IS PERMITTED. ONE SHOULD NOT SELL TO IDOLATERS A THING WHICH IS ATTACHED TO THE SOIL, BUT WHEN SEVERED IT MAY BE SOLD. R. JUDAH SAYS, ONE MAY SELL IT ON CONDITION THAT IT BE SEVERED.

GEMARA. Whence do we derive these rules?—Said R. Jose b. Hanina: [204] From the scriptural words, *nor be gracious unto them — lo-tehannem*⁴—[which may be rendered] nor allow them to settle on the soil. But are not these words needed to convey the Divine command not to admire their gracefulness?—If that alone were intended, the wording should have been *lo tehunnem*; why is *lo tehannem* used? To imply both these meanings. But there is quite another purpose for which this is needed, to express the Divine command not to give them any free gift!⁶—For that purpose the wording should have been *lo tehinem*,⁷ why then is it *lo tehannem*?—So as to imply all these interpretations. It has indeed been taught so elsewhere: *lo tehannem* means, thou shalt not allow them to settle on the soil. Another interpretation of *lo tehannem* is, thou shalt not pronounce them as graceful; yet another interpretation of *lo tehannem* is, thou shalt not give them any free gift.

The giving of free gifts [to idolaters] is itself a matter of dispute

(1) It is therefore necessary for R. Eleazar to state that the payment received even for the completion of the work is not forbidden. (2) Smallest coin (v. Glos.); it should therefore, in any case, be too insignificant to be forbidden!

(3) V. Kid. 48a and B.K. 99a, where it is discussed whether a job-worker is entitled to payment as his work progresses, or only on the completion of the job. (4) Deut. VII, 2. *lo-tehannem*, connected with root *hnn*, to encamp. (5) *hnn*. (6) *lo-tehannem*. (7) *hnn*.

standing by, but not if she is acting on her own.' But R. Meir holds: Not even if others are standing by her, for she may find an opportunity of pressing her hand on the [infant's] temples and kill it without being observed; witness the incident of that woman who, on being called by a neighbour 'Jewish midwife, the daughter of a Jewish midwife!' retorted, 'May as many evils befall that woman, as I have dropped [Jewish children] like lumps of wood into the river.' Our Rabbis, however, say: No; she may have merely given her some kind of retort. For money only ↓

AN ISRAELITE WOMAN SHOULD NOT SUCKLE etc. Our Rabbis taught: An Israelite woman should not suckle a child of a heathen, because she rears a child for idolatry; nor should a heathen woman [be allowed to] suckle a child of an Israelite woman, because she is liable to murder it. This is the opinion of R. Meir. But the Sages say: A heathen may suckle a child of an Israelite woman, so long as there are others standing by her, but not if she is on her own. R. Meir, however, says: Not even while others are standing by her, for she may take the opportunity of rubbing in poison on her breast beforehand and so kill the child. And both the above instances are necessary; for if we were told about a midwife only [we might have thought that] only in that case do the Sages permit, since, being observed by others, she could do no harm, but in the case of suckling, where it is possible for her to apply poison to the breast beforehand and so kill the child, they might agree with R. Meir. If [on the other hand] we were told only about suckling, [we might have thought that] only in that case does R. Meir forbid, because she could kill the child by applying poison to her breast beforehand, but in the case of a midwife, where she could do no harm while others are standing by her, he might agree with the Rabbis; [hence both are] necessary.

The following was cited in contradiction: A Jewish woman may act as midwife to a heathen woman for payment, but not gratuitously!—Answered R. Joseph: Payment is permitted to prevent ill feeling.¹ R. Joseph had a mind to say that even on the Sabbath it

(1) V. Toscf. A.Z. III. (2) As the Jewish midwife could not then offer any feasible excuse for her refusal.

is permitted to act as midwife to a heathen for payment, so as to avoid ill feeling;¹ he was, however, told by Abaye that the Jewish woman could offer the excuse, 'Only for our own, who keep the Sabbath, may we waive it, but we must not waive the Sabbath for you who do not keep it.' R. Joseph also had a mind to say that even suckling for payment should be allowed because of ill-feeling; but Abaye said to him: She can excuse herself by saying, 'I want to get married,' if she is unmarried; or, if she be married, 'I will not degrade myself before my husband.' R. Joseph further had in mind to say, in regard to what has been taught that in the case of idolaters and shepherds of small cattle one is not obliged to bring them up [from a pit] though one must not cast them in it²—that for payment one is obliged to bring them up on account of ill feeling. Abaye, however, said to him: He could offer such excuses as, 'I have to run to my boy who is standing on the roof', or, 'I have to keep an appointment at the court.' *Christians may be*

R. Abbahu recited to R. Johanan: 'Idolaters and [Jewish] shepherds of small cattle need not be brought up [26b] though they must not be cast in, but *Christians*, informers, and apostates may be cast in, and need not be brought up.' Whereupon R. Johanan remarked: I have been learning that the words, *And so shalt thou do with every lost thing of thy brother's [thou mayest not hide thyself]*,⁴ are also applicable to an apostate, and you say he may be thrown down; leave out apostates! Could he not have answered that the one might apply to the kind of apostate who eats carrion meat to satisfy his appetite,⁵ and the other to an apostate who eats carrion meat to provoke?—In his opinion, an apostate eating carrion meat to provoke is the same as a *min*.⁶ *Killed* ←

It has been stated: [In regard to the term] apostate there is a divergence of opinion between R. Aha and Rabina; one says that [he who eats forbidden food] to satisfy his appetite, is an apostate.

See Exh. 57

(1) It being known to the heathen that the Sabbath is waived in the case of a Jewish woman. (2) V. *supra* 13b and San. 57a. (3) Those who act as priests to idols whether they be Israelites or heathen (Rashi). (4) Deut. XXII, 3. (5) When he can get no other meat; but who would avoid eating forbidden food when other food is at hand. (6) And does not require specification.

[in risking] an hour's life. It once happened to Ben Dama the son of R. Ishmael's sister that he was bitten by a serpent and Jacob, a native of Kefar Sekaniah⁽¹⁾ came to heal him but R. Ishmael did not let him; whereupon Ben Dama said, 'My brother R. Ishmael, let him, so that I may be healed by him: I will even cite a verse from the Torah that he is to be permitted'; but he did not manage to complete his saying, when his soul departed and he died.² Whereupon R. Ishmael exclaimed, Happy art thou Ben Dama for thou wert pure in body and thy soul likewise left thee in purity; nor hast thou transgressed the words of thy colleagues, who said, 'He who breaketh through a fence, a serpent shall bite him'?³—It is different with the teaching of *Minim*, for it draws, and one [having dealings with them] may be drawn after them.

The Master said: 'Nor hast thou transgressed the words of thy colleagues who have said, *He who breaketh through a fence, a serpent shall bite him?* But a serpent did indeed sting him!—The bite of the serpent [which is inflicted upon those transgressing the words] of the Rabbis is such as can never be cured.⁴ Now, what is it that he might have said?⁵—*'He shall live by them,*⁶ but not die by them.' And R. Ishmael?—This is only meant when in private, but not in public; for it has been taught: R. Ishmael used to say: Whence can we deduce that if they say to one, 'Worship the idol and thou wilt not be killed,' that he may worship it so as not to be killed?

Christian healing forbidden See Exh. 26b

(1) A disciple of Jesus, v. *supra* p. 85, n. 3. (2) [Ms. M. omits 'he died'.] (3) Eccl. X, 8, applied to those who break through 'legal fences' which serve to safeguard the Torah (V. Ab. I, 1).—Thus the above cited opinion of R. Johanan is contradicted by this incident which proves that in cases of extreme danger it is forbidden to be attended by a *Min*! [On this passage v. Herford, *op cit.* pp. 104 ff.]

(4) [The fate in the hereafter that meets him who transgresses the words of the wise is more grievous than the sting of a serpent on earth.] (5) What scriptural verse might Ben Dama have cited in support of being healed by the *Min*?

(6) Lev. XVIII, 5, *Ye shall therefore keep my statutes and mine ordinances, which if a man do he shall live by them.* 'The Rabbis take these words to mean that God's commandments are to be a means of life and not of destruction to His children. With the exception of three prohibitions—public idolatry, murder, or adultery—all commandments of the Law are therefore in abeyance whenever life is endangered'. Lev. edited by the Chief Rabbi (Dr. J. H. Hertz), p. 175.

Israelite and not a heathen woman, and they came and decreed even against associating with a heathen woman. But [the prohibition against] associating with an Israelite woman is a Biblical ordinance; for R. Johanan said in the name of R. Simeon b. Jehozedek: Whence is there an indication in the Torah against such association? As it is said, *If thy brother, the son of thy mother . . . entice thee*¹—can, then, the son of the mother, and not the son of the father, entice! But the intention is, a son may privately associate with his mother, and nobody else may privately associate with any woman whom the Torah disallows him in marriage!—[The correct explanation is that] the Biblical ordinance against such association refers to an [Israelite] married woman; David came and extended the law to association with an unmarried woman; and the disciples of the Schools of Shammai and Hillel came and extended it still further to association with a heathen woman.

What is the meaning of the phrase used above: 'and against this other matter on account of still another matter'?—R. Nahman b. Isaac said: They decreed in connection with a heathen child that it should cause defilement by seminal emission² so that an Israelite child should not become accustomed to commit pederasty with him. For R. Zera said: I experienced great trouble with R. Assi,³ and R. Assi with R. Johanan, and R. Johanan with R. Jannai, and R. Jannai with R. Nathan b. Amram, and R. Nathan b. Amram with Rabbi over this question: From what age does a heathen child cause defilement by seminal emission?—He replied to me: From a day old; but when I came to R. Hiyya, he told me: From the age of nine years and one day. When I then came and discussed the matter with Rabbi, he said to me: Abandon my reply and adopt that of R. Hiyya who declared: From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day, [370] for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement]

(1) Deut. XIII, 7. (2) [Even though he suffered from no issue.] (3) He put the following question to him and had difficulty in eliciting a reply.

from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious!—You might argue that he is at an age when he knows to persuade [a female] but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age]. Three year girl

R. Judah Nesi'a¹ was once walking and leaning upon the shoulder of his attendant, R. Simlai, when he said to him, 'Simlai, you were not present yesterday at the House of Study when we declared [heathens'] oil permitted.' He replied, 'Would that in our days you permitted their bread also!' He said to him, 'If we were to do that, they would call us "the permitting Court". As we have learnt: R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean,² that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him "Joseph the permitter".' [R. Simlai] said to him, 'There he permitted three things,³ and the master has only permitted one; so that if he permits another there would still be only two!' He replied, 'I have already permitted a second.' What is it?—As we have learnt: [If a husband said to his wife before a journey,] 'This is your bill of divorce should I not return within twelve months', and he died within the twelve months, the divorce is invalid.⁴ In this connection it was taught: And our Rabbis permitted her to re-marry;⁵ and we ask, who is intended by 'our Rabbis'?—Rab Judah replied in the name of Samuel: The Court which permitted [heathens'] oil;⁶ for they held the same view as R. Jose who said:

(1) The Prince, i.e., R. Judah II, as in the Mishnah. (2) And may be eaten. (3) It will be explained below that he took a lenient view of the law of defilement by a corpse. (4) Because he did not say that the divorce was to apply 'from now onward'. Consequently if she was left a childless widow, she became subject to the law of levirate-marriage (v. Deut. XXV, 5 ff.). (5) Whomever she wished and released her from the levirate-marriage. (6) I.e., R. Judah II and his Court.

'They act rightly';¹ and an analogy may be found in the matter of a harlot's hire which is permitted;² for it has been taught: If he gave her [an animal] without having intercourse with her or had intercourse without giving it to her ⁽¹⁾her hire is permitted [for use in the Sanctuary]. Now if he gave her it without having intercourse with her, obviously [it may be devoted to the Sanctuary] for the reason that, having had no intercourse with her, he merely presented her with a gift! Further, if he had intercourse without giving it to her, behold he gave her nothing, and since he made no presentation to her what means that her hire is permitted!—This is what he intends: If he gave her it and subsequently had intercourse with her, or had intercourse with her and subsequently gave it to her, the hire is permitted.⁴ But if he gave it to her and subsequently had intercourse with her, since he did have intercourse with her, [63a] the prohibition of the harlot's hire should apply retrospectively to [the animal]!—R. Eleazar replied: [It is permitted] when she first offered it.⁵ How is this to be understood?—If he said to her, 'Take possession of this at once,'⁶ then obviously it is permitted because it is no longer there at the time of intercourse and he merely presented her with a gift; but if he had not said to her, 'Take possession of this at once,' how could she offer it, since the All-merciful has declared, *And when a man shall sanctify his house he be holy*⁷—as the house [which he sanctifies] must be in his possession, so must everything [which is dedicated to the Sanctuary] be in the person's possession!—Rather [must we suppose the circumstance] where he said to her, 'Let it be with you until the time of

Hire of harlot permitted

(1) Because it was not actually a case of exchange since the produce of the eighth year was non-existent at the time when the fruits of the Sabbatical year were borrowed, and the 'holiness' of the Sabbatical year did not affect what they ate in the eighth year. (2) To be devoted to the Temple, in spite of the Law of Deut. XXIII, 19. (3) At the time, but he did so later. (4) The two matters are regarded as separate and what she received is legally a gift. Similarly with the borrowing of the fruits of the Sabbatical year, what is repaid is technically a gift. (5) To the Temple and afterwards had intercourse. [In this case the offering is acceptable and valid. V. Yad, Issure Mizbeah, IV, 11.] (6) Before the intercourse. (7) Lev. XXVII, 14.

intercourse; but should you require it then take possession of it at once.' *by calling it separate acts*

R. Hoshaia asked: How is it if she dedicated [the animal to the Sanctuary] beforehand?¹ Since a Master has said that a declaration in connection with the Divine service is like the act of delivery in a secular transaction, is she like one who has actually offered it,⁴ or perhaps [the animal] is after all still in existence [at the time of intercourse]?⁵ But why not solve the question from the statement of R. Eleazar who said: Only if she actually offered it beforehand is the offering [lawful] but not if she merely dedicated it? On this statement of R. Eleazar itself the question is to be asked: Is it clear to R. Eleazar that only if she had actually offered it [is it permitted] but not if she merely dedicated it because it is [in her possession] at the time of intercourse; or perhaps he is clear in the circumstance where it had been offered but doubtful when it had only been dedicated? The question remains unanswered.

[It was stated:] If he had intercourse with her and subsequently gave it to her, her hire is permitted. Against this I quote: If he had intercourse with her and subsequently gave it to her, even after the lapse of three years, her hire is prohibited!—R. Nahman b. Isaac said in the name of R. Hisda: There is no contradiction, the latter teaching referring to the circumstance where he said to her, 'Have intercourse with me for this lamb,' and the former teaching to the circumstance where he said to her, 'Have intercourse with me for a lamb.' (6) And if he did use the phrase 'for this lamb' what of it, inasmuch as the act of drawing towards oneself is lacking!⁷—[It deals here] with a gentile harlot who does not acquire an object by the act of drawing it towards herself.⁸ Or if you wish

(1) And therefore the prohibition of a harlot's hire does not apply to it. (2) But intercourse occurred before she presented the animal. (3) That the animal is to be dedicated to the Temple. (4) And it may therefore be offered. (5) And is to be considered a harlot's hire. (6) In this latter circumstance, what she receives afterwards is not technically her hire. (7) He merely indicated the lamb which he would give her. Until she actually draws the animal towards her she has not legally acquired it, v. B.M. 47b. (8) [Ms. M.: Who does not lack 'drawing'. A non-Jew acquires possession by payment (Bek. 13a)—in this case by the act of intercourse. V. R. Gershom, Tem. 29b.]

H O R A Y O T H

Exhibit 192

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

BY

ISRAEL W. SLOTKI, M.A., Litt. D.

LONDON
THE SONCINO PRESS
1935

42 H O R A Y O T H Exhibit 193

It is written, *commandment* ¹ R. Ashi replied: *Dabar*, ² here, is to be deduced from *dabar* mentioned in the case of a 'rebellious elder.' ³ For concerning a 'rebellious elder' it was written, *If there arise a matter too hard for thee* ⁴ . . . *thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left hand;* ⁵ as in the case of the 'rebellious elder' the meaning is 'a part of the thing' and not all the thing ⁶ so in the case of an [erroneous] ruling. [of a court] a part of the thing [is meant] and not an entire principle.

Rab Judah said in the name of Samuel: The court is liable only when they ruled concerning a prohibition ⁷ which the Sadducees ⁸ do not admit, ⁹ but if concerning a prohibition ⁷ which the Sadducees admit ¹⁰ they are exempt. ¹¹ What is the reason? — It is a matter which anyone can learn at school. ¹²

We learnt: [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT. But why? Surely [the law concerning] a woman that awaits a day corresponding to a day is mentioned in the Scriptures: *Then she shall number to herself,* ¹³ teaches that she counts one [day] for one [day]! ¹⁴ — They might rule that the first stage of contact is permitted and only the consummation of coition is forbidden. Surely this also is written in the Scriptures: *He hath made naked her fountain!* ¹⁵ — They might rule that in the natural way

Sadducees

(1) מצוה (with the omission of the *vav* of the plural) is to be read as *mizvath*, מצוה, sing. const., 'commandment of', not *mizvoth* in the plur. (2) דבר, 'thing'. (Lev. *ibid.*). (3) An elder who defies the authority of the supreme court in Jerusalem. (4) Deut. XVII, 8. (5) *Ibid.* v. 11. (6) V. Sanh. 88b. (7) Lit., 'thing'. (8) A sect believing in the Scriptures (the Written Law) but not in the Rabbinic interpretations and traditions (Oral Law). (9) I.e., a prohibition not mentioned in the Scriptures. (10) A Biblical law. (11) Because their ruling, being contrary to what everybody is expected to know, has no validity whatsoever. (12) Lit., 'it (is a matter of) go read at school'. There was no reason why anyone should rely upon the court's erroneous ruling when any school boy knew it to be contrary to a Biblical prohibition. (13) Lev. XV, 28. (14) Cf. *supra* p. 17, n. 10. Since she is thus Biblically considered unclean how could a court rule that one having intercourse with her is exempt? (15) Lev. XX, 18.

it is forbidden; in an unnatural way it is permitted. But, surely, it is written, *As with womankind!*¹ — They might rule that in the natural way even the first stage of contact is forbidden; in an unnatural way, however, consummation of coition only is forbidden but the first stage of contact is permitted. If so, [the same might apply] even [to the case of] a menstruant also!² — The fact, however, is [that the ruling might have permitted]³ even in the natural way⁴ alleging [that the prohibition of] the first stage⁵ has reference to a menstruant woman only.⁶ And if you prefer I might say: The ruling may have been that a woman is not regarded as a *zabah*⁷ except during the day time because it is written, *all the days of her issue*.⁸ "Nights" are excepted

We learnt: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN IS EXEMPT [etc.]. But why? Surely the prohibition of carrying from [one domain into another] is mentioned in the Scriptures: *Neither carry forth a burden out of your houses on [the Sabbath day]*!⁹ — They ruled that carrying out alone is prohibited but bringing in is permitted. And if you prefer I might say: They ruled that only carrying out and bringing in¹⁰ is prohibited but handing across and throwing¹¹ is permitted.¹²

We learnt: [THE LAW CONCERNING] IDOLATRY OCCURS IN

(1) Ibid. 13. The plural *בְּיָמֶיהָ* implies natural, and unnatural intercourse. (2) Why then was the case of a woman who awaits a day corresponding to a day given as an illustration when the case of a menstruant, already mentioned, would supply the same illustration. (3) The first stage of contact. (4) In the case of one 'who awaits a day corresponding to a day'; only consummation of coition being forbidden in her case. (5) Cf. Lev. XX, 18. (6) Thus permitting a forbidden act which the Sadducees do not admit. (7) A woman who has an issue of blood not in the time of her menstruation, and is subject to certain laws of uncleanness and purification (Lev. XV, 25 ff.). (8) Lev. XV, 26. Emphasis being laid on *days*. (9) Jer. XVII, 22. Why then should there be liability to a communal offering seeing that the court ruled against a specific Biblical prohibition? (10) So Bomberg ed. Cur. edd. delete 'carrying in'. [V. Shab. 96b, where 'carrying in' is treated as a specific Biblical prohibition as well as 'carrying forth'.] (11) From one domain into another. (12) These are not mentioned in the Scriptures.

more meritorious than the performance of a commandment with no intent; for it is said, *Blessed above women Jael be* ¹ *the wife of Heber the Kenite, above women in the tent shall she be blessed*.² Who are the women in the tent? Sarah, Rebeka, Rachel and Leah. But this³ is not so! For did not Rab Judah say in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive may be ulterior,⁴ because even ulterior motive will ultimately lead to disinterested [study and performance]?⁵ Say, 'Like the meaningless performance of a commandment.'⁶ R. Johanan said: That profligate⁷ had seven sexual connections at that hour; for it is said, *Between her feet he sunk, he fell, he lay etc*.⁸ But, surely, she enjoyed the transgression! — R. Johanan said in the name of R. Simeon b. Yohai: Even the favours of the wicked are distasteful to the righteous. **Sisera**

[Reverting to] the above text,⁹ 'Rab Judah said in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive be ulterior, because ulterior motive will ultimately lead to disinterested [study and performance];'¹⁰ for as a reward for the forty-two sacrifices which the wicked Balak offered¹¹ he gained the privilege of having Ruth descended from him; for R. Jose son of R. Hanina said: Ruth was the daughter of the son of Eglon who was the son of the son of Balak the King of Moab. **Exh. 162**

R. Hiyya b. Abba said in the name of R. Johanan: Whence is it deduced that the Holy One, blessed be He, does not deprive

(1) Though she committed a sin (v. *infra*), her intention was to weaken and exhaust the wicked. (2) Jud. V, 24. (3) That a meaningless performance of a commandment is worse than a well-meant transgression and must, consequently, be discouraged. (4) Lit., 'not for its sake'. (5) Which shows that even meaningless performance of a commandment is to be encouraged. (6) I.e., not more, but as meritorious. (7) Sisera. (8) Jud. V, 27. Each of the expressions, *he sunk* (*וַיִּשְׁקַע*), and *he fell* (*וַיִּפֹּל*), occurs three times, and *he lay* (*וַיִּשְׁב*), occurs once. (9) So in Naz. 23b. (10) [This is based on the sound psychologic principle that 'personal experience with the good will induce recognition of its ideal value and teach that it is to be esteemed and sought for its own sake.' Lazarus, M. *The Ethics of Judaism*, I, p. 173.] (11) Seven bullocks and seven rams on each of three altars. V. Num. XXIII, 1f., 14, 29ff.

are all willing to marry a proselyte while not all are willing to marry an emancipated slave? He answered them: The one was included in the curse¹ while the other was not. Another explanation is that the one is known to protect her chastity while the other is not.

R. Eleazar² was asked by his disciples: Why does a dog know its owner while a cat does not? He answered them: If he who eats something of that from which a mouse has eaten loses his memory, how much more so the animal which eats the mouse itself!

R. Eleazar³ was asked by his disciples: Why do all persecute the mice?—Because of their bad nature. What is it? Raba replied: They gnaw even at clothes⁴ [13b] R. Papa replied: They gnaw even at the handle of a hoe.

Our Rabbis taught: Five things make one forget one's studies: Eating⁵ something from which a mouse or a cat has eaten, eating⁶ the heart of a beast, frequent consumption⁶ of olives, drinking⁷ the remains of water that was used for washing, and washing⁸ one's feet one above the other. Others say: He also who puts his clothes under his head [forgets his studies].

Five things restore one's learning:⁹ Wheaten bread and much more so wheat¹⁰ itself, eating⁵ a roasted¹¹ egg without salt, frequent consumption¹² of olive oil, frequent indulgence in wine and spices, and the drinking⁷ of water that has remained from kneading. Others say: Dipping one's finger in salt and eating is also included. "Wisdom" of the "Sages"

'Frequent consumption of olive-oil'. This corroborates the view of R. Johanan who said: As the olive causes one to forget seventy years of study, so does olive oil restore seventy years of study.

'Frequent indulgence in wine and spices'. This corroborates the view of Raba who said: Wine and spices have made me wise.

(1) V. p. 99, n. 5. (2) [MS.M.: 'Eleazar b. Zadok.'] (3) [Var. loc.: 'Eleazar b. Zadok.'] (4) Which is no food. They cause loss to the owner though they themselves derive no benefit. (5) Lit., 'he who eats.' (6) Lit., 'he who is accustomed in.' (7) Lit., 'he who drinks.' (8) Lit., 'he who washes.' (9) I.e., strengthen one's memory. (10) So MS.M. Cur. edd. 'bread of (i.e. baked on) coals . . . coals.' (11) Lit., 'rolled'. (12) Lit., 'he who is accustomed'.

'Dipping one's finger in salt'. Said Resh Lakish: One only. This is a matter of dispute between Tannaim: R. Judah said, one finger but not two; R. Jose said, two but not three. Your mnemonic¹ is the third finger.² Heavy "wisdom"

Ten things adversely affect one's study: Passing³ under the bit of a camel and much more so under the camel itself, passing⁴ between two camels, passing between two women, the passing of a woman⁴ between two men, passing under the offensive odour of a carcass, passing under a bridge under which water has not flowed for forty days, eating bread that was insufficiently baked, eating meat out of a soup-ladle, drinking from a streamlet that runs through a graveyard, and looking into the face of a dead body. Others say: He who reads an inscription upon a grave is also [subject to the same disability]. Pharisee pomp, suit

Our Rabbis taught: When the Nasi⁵ enters, all the people rise and do not resume their seats until he requests them to sit. When the Ab-beth-din⁶ enters, one row rises on one side⁷ and another row on the other [and they remain standing] until he has sat down in his place. When the Hakam⁸ enters, every one [whom he passes] rises and sits down [as soon as he passed] until the Sage has sat down in his place. Sons of sages, and scholars may, if the public is in need of their services, tread upon the heads of the people.⁹ If one [of them] went out in his need to ease himself he may re-enter and sit down in his place.¹⁰ Sons of a scholar¹¹ whose father holds

(1) An aid for remembering the numbers given by the two Tannaim. (2) Which, the thumb not being counted, has one finger on its right and two on its left. (3) Lit., 'he who passes.' (4) Lit., 'and a woman who passes.' (5) The Prince, the President of the Sanhedrin. (6) [Father of the Beth din, generally taken to denote as here the Vice-President. Büchler, *Synhedrion*, pp. 172ff., however, shows that the title 'Ab-beth-din' was also of a more general character, designating the head of any important school.] (7) Lit., 'they make for him one row from here.' (8) [Lit., 'the Sage.' There is no certainty either in regard to the original function or rank of the Hakam. He here appears as third in rank to the Nasi; v. Büchler, *op. cit.* pp. 155, 161ff.] (9) [I.e., they may enter the house of study though the rest are already seated (cf. n. 10); v. Sanh. (Sonc. ed.) p. 30, n. 8.] (10) Though he thereby disturbs the people whom he has to pass. (11) Lit., 'scholars.'

¹¹Pharisee sm¹ H O R A Y O T H Exhibit 198
the office of Parnas¹ may, if they possess the capability of understanding [the discourses], enter and sit down before their father with their backs to the people. When, however, they do not possess the capability of understanding [the discourses] they enter and sit down before their father with their faces towards the public. R. Eleazar son of R. Zadok said: In a festive gathering² also they are treated as attachments [to their father].³

The Master said, 'If he went out in his need to ease himself he may re-enter and sit down in his place.' R. Papa said: This applies only⁴ to the minor [functions of the body] but not to the major [functions], since he should have examined himself before; for Rab Judah said: A man should always make a habit of easing himself early in the morning and late in the evening in order that there be no need for him to go far.⁵ Now,⁶ however, that everybody⁷ is weaker the same rule applies even to the larger functions.

'R. Eleazar son of R. Zadok said: At a festive gathering also they⁸ are treated as attachments [to their father].' Raba said: Only during the lifetime of their father and in the presence of their father. *Talmud "Scholars" honored.*

R. Johanan said: That instruction⁹ was issued¹⁰ in the days of R. Simeon b. Gamaliel [II], when R. Simeon b. Gamaliel was the President, R. Meir the *Hakam*,¹¹ and R. Nathan the *Ab-beth-din*.¹² Whenever R. Simeon b. Gamaliel entered all the people stood up for him; when R. Meir and R. Nathan entered all the people stood up for them also. Said R. Simeon b. Gamaliel: Should there be no

{1} [A title denoting usually a general leader of the people, and sometimes also a member of the council of the city; v. Büchler, *Sepphoris*, pp. 14, 16.] (2) Lit., 'house'. (3) Are given a place beside him. [According to Krauss, *Sanhedrin-Makkot*, p. 34, the meaning is that the young men were delegated to assist as supervisors against laxities and misdemeanours at marriage festivities.] (4) Lit., 'they did not say but.' (5) To find a private spot. In those days privies within the town or the village were unknown. (6) 'Raba said' is placed within parentheses in cur. edd. [It is rightly omitted in some texts, as Raba is unlikely to comment on a statement of R. Papa, his pupil.] (7) Lit., 'all the world.' (8) The sons of scholars mentioned *supra*. (9) Heb., *Mishnah*, (teaching), v. Glos. (10) Lit., 'ht.' (11) חכם 'sage', 'wise man'; an office in the college next in rank to that *Ab-beth-din*. V. *supra* p. 101, n. 8. (12) V. *supra* p. 101, n. 6.

GITTIN

Exhibit 199

TRANSLATED INTO ENGLISH

WITH NOTES, GLOSSARY

AND INDICES

BY

MAURICE SIMON, M. A.

LONDON
THE SONCINO PRESS

1936

rather than on the *Get*? The answer may be hazarded that they tried deliberately to avoid mention of divorce as a term of evil associations. This idea is borne out by the fact that in speaking of slaves the Tractate does in fact deal in the first place with actual emancipation, and with the writ of manumission only incidentally.

One more point will probably strike the modern reader—the apparent unfairness of the Talmudic law of divorce towards the woman. The husband can practically at any time get rid of the wife against her will; the wife cannot release herself from the husband against his will except under certain conditions when the Beth din can compel him to give her a *Get*. This is certainly the theory, but in practice this inequality was, in the view of the Rabbis, more apparent than real. They assumed, and rightly so, that both for a man and a woman married life was under almost any conditions preferable to single, and therefore while the man might be trusted not to abuse his power, the woman, if virtuous, would only in the rarest circumstances actually desire a divorce.

M. SIMON

The Indices of this Tractate have been compiled by Judah J. Slotki, M. A.

done right went away from the holy place and were forgotten in the city.¹ Read not *keburim* [buried] but *kebuzim* [collected]; read not *veyishtakelu* [and were forgotten] but *veyishtabelu* [and triumphed]. Some say that *keburim* [can be retained], because even things that were buried were disclosed to them. A gale sprang up at sea which threatened to wreck him. He said: Apparently the power of the God of these people is only over water. When Pharaoh came He drowned him in water, when Sisera came He drowned him in water. He is also trying to drown me in water. If he is really mighty, let him come up on the dry land and fight with me. A voice went forth from heaven saying: Sinner, son of sinner, descendant of Esau the sinner, I have a tiny creature in my world called a gnat. (Why is it called a tiny creature? Because it has an orifice for taking in but not for excreting.) Go up on the dry land and make war with it. When he landed the gnat came and entered his nose, and it knocked against his brain for seven years. One day as he was passing a blacksmith's it heard the noise of the hammer and stopped. He said: I see there is a remedy. So every day they brought a blacksmith who hammered before him. If he was a non-Jew they gave him four zuz, if he was a Jew they said, It is enough that you see the suffering of your enemy. This went on for thirty days, but then the creature got used to it.² It has been taught: R. Phineas b. 'Aruba said: I was in company with the notables of Rome, and when he died they split open his skull and found there something like a sparrow two *selas* in weight. A Tanna taught: Like a young dove two pounds in weight. Abaye said: We have it on record that its beak was of brass and its claws of iron. When he died he said: Burn me and scatter my ashes over the seven seas so that the God of the Jews should not find me and bring me to trial.

Onkelos son of Kolonikos³ was the son of Titus's sister. He had a mind to convert himself to Judaism. He went and raised Titus from the dead by magical arts, and asked him: Who is most in repute in the [other] world? He replied: Israel. What then, he said, Jesus and Christians in He 77

(1) Eccl. VIII, 10. (2) Lit., since it trod, it trod. (3) V. A.Z. (Sone. ed.) p. 55, n. 1.

Punishment of GITTIN Christ in Hell⁵⁶⁶⁻⁵⁷⁰
 about joining them? He said: Their observances are burdensome and you will not be able to carry them out. Go and attack them in that world and you will be at the top, as it is written, *Her adversaries are become the head* etc.; whoever harasses Israel becomes head. He asked him: [57a] What is your punishment [in the other world]? He replied: What I decreed for myself. Every day my ashes are collected and sentence is passed on me and I am burnt and my ashes are scattered over the seven seas. He then went and raised Balaam by incantations. He asked him: Who is in repute in the other world? He replied: Israel. What then, he said, about joining them? He replied: *Thou shalt not seek their peace nor their prosperity all thy days for ever.*² He then asked: What is your punishment? He replied: With boiling hot semen⁽¹⁾ He then went and raised by incantations the sinners of Israel⁽²⁾ He asked them: Who is in repute in the other world? They replied: Israel. What about joining them? They replied: Seek their welfare, seek not their harm. Whoever touches them touches the apple of his eye. He said: What is your punishment? They replied: With boiling hot excrement, since a Master has said: Whoever mocks at the words of the Sages is punished with boiling hot excrement. Observe the difference between the sinners of Israel and the prophets of the other nations who worship idols. It has been taught: Note from this incident how serious a thing it is to put a man to shame, for God espoused the cause of Bar Kamza and destroyed His House and burnt His Temple (Christians in hell — excrement)

'Through a cock and a hen Tur Malka was destroyed'. How? — It was the custom that when a bride and bridegroom were being escorted a cock and a hen were carried before them, as if to say, Be fruitful and multiply like fowls. One day a band of Roman soldiers passed by and took the animals from them, so the Jews fell on them and beat them. So they went and reported to the Emperor that the Jews were rebelling, and he marched against them. There came against them one Bar Daroma³ who was able to jump

See Exh. 279-80

(1) Lam. I, 5. (2) Deut. XXIII, 7. (3) Because he enticed Israel to go astray after the daughters of Moab. V. Sanh. 106a. (4) MS. M. Jesus! (5) Lit., 'Son of the South'.

More anti- GITTIN Christian mur lies.¹ He replied: Palestine is called 'land of the deer'.² Just as the skin of the hind cannot hold its flesh,³ so the Land of Israel when it is inhabited can find room but when it is not inhabited it contracts.

Once when R. Manyumi b. Helkiah and R. Helkiah b. Tobiah and R. Huna b. Hiyya were sitting together they said: If anyone knows anything about Kefar Sekania of Egypt⁽⁴⁾ let him say. One of them thereupon said: Once a betrothed couple [from there] were carried off by heathens who married them to one another. The woman said: I beg of you not to touch me, as I have no *Kethubah*⁵ from you. So he did not touch her till his dying day. When he died, she said: Mourn for this man who has kept his passions in check more than Joseph, because Joseph was exposed to temptation only a short time, but this man every day. Joseph was not in one bed with the woman but this man was; in Joseph's case she was not his wife, but here she was. The next then began and said: On one occasion forty bushels [of corn] were selling for a *denar*, and the number went down one, and they investigated and found that a man and his son had had intercourse with a betrothed maiden on the Day of Atonement, so they brought them to the Beth din and they stoned them and the original price was restored. The third then began and said: There was a man who wanted to divorce his wife, but hesitated because she had a big marriage settlement. He accordingly invited his friends⁶ and gave them a good feast and made them drunk and put them all in one bed. He then brought the white of an egg and scattered it among them and brought witnesses⁽⁷⁾ and appealed to the Beth din. There was a certain elder

↓ Christians

(1) Referring to the exaggerated statements about the King's Mountain. (2) E. V. 'glorious', Jer. III, 19; a play on the word *ay*, which means either 'glorious' or 'deer'. (3) Because after the hind is killed the skin shrinks. (4) [Klein, S. Beitrags, p. 20, n. 1. suggests the reading נזרית (Nazarenes) instead of נזרית (Egypt). It is thus the Kefar Sekania (Suchnin) in Galilee (v. A. Z., Sonc. ed. p. 85, n. 1) a place with Nazarene associations. It was probably to contrast the erstwhile loyalty of the place to the then prevailing defection that the incidents that follow were related]. (5) According to Rabbinic law it is forbidden for a man to live with his wife unless he made out for her a *kethubah*. (6) 'Shoshim' 'best men', 'Groomsmen'; v. B. B. (Sonc. ed.) p. 618, n. 10. (7) To prove that they had abused his wife.

mouth of these words?—That implies that they are difficult to master.¹

R. Judah b. Nahmani the public orator² of R. Simeon b. Lakish discoursed as follows: It is written, *Write thou these words*,³ and it is written, *For according to the mouth of these words*.⁴ What are we to make of this?—It means: The words which are written thou art not at liberty to say by heart, and the words transmitted orally thou art not at liberty to recite from writing. A Tanna of the school of R. Ishmael taught: [It is written] *These*,⁵ these thou mayest write, but thou mayest not write *haluchoth*.⁶ R. Johanan said: God made a covenant with Israel only for the sake of that which was transmitted orally, as it says, *For by the mouth of these words I have made a covenant with thee and with Israel*.⁷ the Babylonian Tradition of the Pharisees
AN ERUB SHOULD BE PLACED IN THE ROOM WHERE IT HAS ALWAYS BEEN PLACED, IN THE INTERESTS OF PEACE. What is the precise reason?⁸ Shall we say it is out of respect for the owner of the room? Then what of the *shofur*⁹ which at first was in the house of Rab Judah and later in that of Rabbah and then in the house of R. Joseph and then in the house of Abaye and finally in the house of Raba?—The real reason is, so as not to excite suspicion.¹⁰

THE PIT WHICH IS NEAREST THE HEAD OF THE WATER-COURSE. It has been stated: [Where fields] adjoin a river, Rab says that the owners lower down have the right to draw off water first, while Samuel says that the owners higher up have the right to draw off water first. So long as the water is allowed to flow, both agree that no problem arises.¹¹ Where they differ is on the question of damming for the purpose of watering. Samuel says that those above can draw off water first, for they can say 'We are nearer to the source', while Rab holds that those below can draw off first.

"Write Thou these words" more mis use
(1) As if they had not been written down. (2) The so-called *meturgeman*. V. Gilos. (3) Ex. XXXIV, 27. (4) Ibid. (5) Ibid. (6) I.e., the Oral Law. (7) Ex. XXXIV, 27. (8) I.e., what reason have we for thinking that this promotes peace and good fellowship? (9) Which was used for announcing the advent of the Sabbath. According to another explanation, it was a receptacle in which were placed the contributions sent on behalf of the students of the Yeshibah. (10) Lest, if people come into the room where they have been used to see the *erub* and miss it, they will think that the residents of the court have neglected to make an *erub*. (11) All having an equal right to draw at any time.

CHAPTER VII

MISHNAH. IF A MAN IS SEIZED WITH A KORDIAKOS¹ AND SAYS, WRITE A GET FOR MY WIFE, HIS WORDS ARE OF NO EFFECT. IF HE SAYS, WRITE A GET FOR MY WIFE, AND IS THEN SEIZED WITH A KORDIAKOS AND THEN SAYS, DO NOT WRITE IT, HIS LATER WORDS ARE OF NO EFFECT. IF HE IS STRUCK DUMB, AND WHEN THEY SAY TO HIM, SHALL WE WRITE A GET FOR YOUR WIFE, HE NODS HIS HEAD, HE IS TESTED WITH THREE QUESTIONS.² IF HE SIGNIFIES 'NO' AND 'YES' PROPERLY EACH TIME, THEN THE GET SHOULD BE WRITTEN AND GIVEN FOR HIM.

Remedies of the "Sages"

GEMARA. What is *kordiakos*?—Samuel said: Being overcome by new wine from the vat. Then why does it not say, If one is overcome by new wine?—The mode of expression teaches us that this spirit [which causes the dizziness] is called *kordiakos*. Of what use is this [knowledge]?—For a charm. What is the remedy for it? Red⁴ meat broiled on the coals, and wine highly diluted.

Abaye said: My mother⁵ told me that for a sun-stroke [fever] the remedy is on the first day to take a jug of water, [if it lasts] two days to let blood, [if] three days to take red meat broiled on the coals and highly diluted wine. For a chronic heat stroke, he should bring a black hen and tear it lengthwise and crosswise and shave the middle of his head and put the bird on it and leave it there till it sticks fast, and then he should go down [to the river] and stand in water up to his neck till he is quite faint, and then he should swim out and sit down. If he cannot do this, he should eat loeks

(1) A kind of delirium in which he does not know exactly what he is saying. V. *infra*. Apparently = *καρδιακος*, which, however, is not found in this sense. Goldschmidt derives it from *καρδιακος*. (2) Lit., 'three times', to see if he is still *compos mentis*. (3) Lit., 'bitten'. (4) I.e., without much fat. (5) V. Kid. 31b.

put it on his thumb nail on the side where the tooth aches and put a rim of dough round it, taking care that it does not touch his flesh, as it may cause leprosy. For swollen glands,¹ R. Johanan said that pellitory leaves are as good as *mamru*² and the root of pellitory better than *mamru*, and he should put them in his mouth. This is to prevent it from spreading. To soften it he should take bran that came to the top of the sieve and lentils with the earth still on them and clover and hemlock flower and the bud of cuscuta, and he should put about the size of a nut in his mouth. To make it burst, someone should blow into his throat seeds of unripe dates, through a wheat straw. To make the flesh close he should bring dust from the shadow of a privy and knead it with honey and eat. This is effective. For catarrh³ he should take about the size of a pistachio of gum-ammoniac and about the size of a nut of sweet galbanum and a spoonful of white honey and a Mahuzan *natla*⁴ of clear⁵ wine and boil them up together; when the gum-ammoniac boils, it is all boiled enough. If he cannot manage this, let him take a *revi'ish* of milk of a white goat [69b] and let it drip on three stalks of carob and stir it with a piece of stem of marjoram; when the stem of marjoram is boiled it is all boiled enough. He can also take the excrement of a white dog and knead it with balsam, but if he can possibly avoid it he should not eat the dog's excrement as it loosens the limbs. For *gira*⁶ he should take an arrow of Lilith⁷ and place it point upwards and pour water on it and drink it. Alternatively he can take water of which a dog has drunk at night, but he must take care that it has not been exposed.⁸ For [drinking] water which has been exposed let him take an *anpak*⁹ of undiluted wine. For an abscess, an *anpak* of wine with purple-coloured aloes. For palpitations of the heart he should take three barley-cakes and streak them with *hamak*⁹ which has been made less than forty days before, and eat it and wash it down with wine well diluted. Said R. Aha from Difti to Rabina: This will make his heart palpitate

(1) So Rashi. Jast.: 'jaws'. (2) A kind of herb. (3) [So Rashi. Preuss (*op. cit.* p. 198) Pleurisy.] (4) About a *revi'ish* ($\frac{1}{2}$ log). (5) I.e., not dark. (6) Perhaps a kind of fever. (7) Probably a kind of meteoric stone. (8) For fear a snake may have injected venom into it. (9) A Persian sauce of milk.

should say is that] he should take regularly a bite early in the morning, as this is good for the whole body. For anal worms he should take acacia and aloe juice and white-lead and silver dross¹ and an amulet-full of phyllon² and the excrement of doves and tie it all up in linen rags in the summer or in cotton rags in the winter.³ Alternatively, let him drink strong wine well diluted. For hip disease⁴ let him take a pot of fish brine and rub it sixty times⁵ round one hip and sixty times round the other. For stone in the bladder let him take three drops of tar and three drops of leek juice and three drops of clear wine and pour it on the membrum of a man or on the corresponding place in a woman. Alternatively he can take the ear of a bottle and hang it on the membrum of a man or on the breasts of a woman. Or again he can take a purple thread which has been spun by a woman of ill repute or the daughter of a woman of ill repute and hang it on the membrum of a man or the breasts of a woman. Or again he can take a louse from a man and a woman and hang it on the membrum of a man and the corresponding place in a woman; and when he makes water he should do so on dry thorns near the socket of the door, and he should preserve the stone that issues, as it is good for all fevers. For external fever⁶ he should take three sacks of date stones and three sacks of *adra*⁷ leaves and boil each separately while sitting between them and put them in two basins and bring a table and set them on it and bend first over one and then over the other until he becomes thoroughly warmed, and then he should bathe himself in them, and in drinking thereof⁸ afterwards he should drink only of the water of the *adra* leaves but not of the date stones, as they cause barrenness. For internal fever he should take seven handfuls of beet from seven beds and boil them with their earth and eat them and drink *adra* leaves in beer [70a] or grapes from a vine trailed on a palm

(1) Used for cooling the metal. (2) A kind of scent often carried by women in a little case attached to their necklaces. (3) Applying it to the affected part. (4) [Apparently lumbago, v. Preuss, *op. cit.* p. 355.] (5) [A round number, i.e., many times, v. Preuss, *loc. cit.* n. 5.] (6) I.e., eruptions. (7) [A species of cedar, probably Spanish juniper.] (8) [As is usual after a hot bath, v. Shab. 41a.]

then eat it and wrap himself in his cloak and sleep, and he must not be disturbed till he wakes of himself. When he wakes he must remove his cloak, otherwise the illness will return.

Elijah once said to R. Nathan: Eat a third and drink a third and leave a third for when you get angry, and then you will have had your fill.¹

R. Hiyya taught: If a man wants to avoid stomach trouble, he should take *ṣibbul*² regularly summer and winter. In a meal which you enjoy indulge not too freely, and do not wait too long to consult nature.

Mar 'Ukba said: If a man drinks white *ṭilia*,³ he will be subject to debility. R. Hisda said: There are sixty kinds of wine; the best of all is red fragrant wine, the worst is white *ṭilia*. Rab Judah said: If a man sits by the fire on the mornings of Nisan and rubs himself with oil and then goes out and sits in the sun, he will be liable to debility.

Our Rabbis taught: If a man lets blood and then has marital intercourse his children [born therefrom] will be weaklings. If both man and wife let blood before intercourse their children will be liable to *ra'athan*.⁴ R. Papa said: This is the case only if they did not take anything to eat [in between], but if they took something to eat, there is no harm. Rabbah b. Bar Huna said: If a man immediately on returning from a journey has marital intercourse, his children will be weaklings. The Rabbis taught: On coming from a privy a man should not have sexual intercourse till he has waited long enough to walk half a mil, because the demon of the privy is with him for that time; if he does, his children will be epileptic. The Rabbis taught: If a man has sexual intercourse standing, he will be liable to convulsions; if sitting, to spasms;⁵ if she is above and he below, he will be subject to *delaria* [diarrhoea]. What is *delaria*?⁶ R. Joshua b. Levi says: The cure for diarrhoea is *dardara*. What is

(1) As much as to say, Otherwise when you fall into a passion you will burst.
(2) Lit., 'dippings': bread or other food dipped in wine or vinegar as a relish.
(3) An inferior kind of wine. (4) A kind of skin disease. (5) Reading אוריא, s.v. *Aruch*, curr. edd. read אוריא (*delaria*) v. *infra*. (6) The answer to this question seems to have dropped out of the text.

dardara? — Abaye said: The 'crocus of thorns.'¹ R. Papa used to crunch it in his teeth and swallow it: R. Papi used to crunch it and spit it out.

Abaye said: One who is not conversant with the way of the world⁽²⁾ should take three *kefizi* of safflower and grind it and boil it in wine and drink it. R. Johanan said: This is just what restored me to my youthful vigour.

Three things weaken a man's strength, namely, anxiety, travelling and sin. Anxiety, as it is written, *My heart fluttereth, my strength faileth me.*⁴ Travelling, as it is written, *He weakened my strength in the way.*⁵ Sin, as it is written, *My strength faileth because of mine iniquity.*⁶

Three things enfeeble a man's body, namely, to eat standing, to drink standing, and to have marital intercourse standing.

Five are nearer to death than to life, namely, one who eats and rises immediately, or who drinks and rises immediately, or who lets blood and rises immediately, or who rises immediately on waking or after marital intercourse.

If one does the following six things [together], he will die immediately: if he comes weary from a journey, lets blood and has a bath and drinks himself drunk and lies down to sleep on the floor and has marital intercourse. R. Johanan said: That is, if he does them in this order; Abaye said: If he does them in this order he will die; if not in this order he will fall ill. Is that so? Did not [a certain] Me'orath do three of these things to her slave and he died? — He was a weakling.

There are eight things which in large quantities are harmful but in small quantities are beneficial, namely, travelling, the 'way of the world', wealth, work, wine, sleep, hot baths, and blood-letting.

Eight things cause a diminution of seed, namely, salt, hunger, scalls, weeping, sleeping on the ground, lorus, cucumbers out of season, and bloodletting below, which is as bad as any two. A Tanna taught: As it is as bad as any two below, so it is as good as any two above. R. Papa said: [70b]: 'Below' means below the

(1) *Cantharus tinctorius*. (2) A euphemism for marital intercourse. (3) A small measure. (4) Ps. XXXVIII, 11. (5) Ibid. CII, 24. (6) Ibid. XXXI, 11.

Exhibit 210

The Jewish Communal Register of New York City

1917-1918

פנקס הקהילה
דנויארק רבתי
תרע"ז

Second Edition

EDITED AND PUBLISHED

by the

Kehillah (Jewish Community) of New York City

356 SECOND AVENUE

NEW YORK CITY

Exhibit 211

CENTRAL AND NATIONAL ORGANIZATIONS

1237

Russian Jews are descendants

JEWISH IMMIGRANT WORK

of Chazar Asiatics who adopted Talmudism (740AD)
By SAMUEL JOSEPH
The great migration of Jews mainly from Russia,

Poland, Galicia and Roumania, which began a generation ago, may be characterized, with little hesitation, as the most significant event in American Jewish history. It has resulted in a Jewish population of over three millions, making this country one of the Jewish centers of the world, and has introduced a period of instability and transition, in the midst of which we are still living and the effects of which we are feeling keenly.

How responsible a situation the continuance of this stream, now interrupted by the war, represents, may be seen in this, that in the fifteen years preceding the war no less than a million and a half Jewish immigrants entered this country. In other words there came here on the average every year one hundred thousand Jews, practically all of whom remain as permanent members of the community and the land. And this tide was on the point of rising to new heights, if we may judge this from the fact that in 1914 there were 138,000 Jewish immigrants. These newcomers must be taken care of in many ways; they must be protected from exploitation and harm, distributed as widely as possible, inducted into new ways of living, and trained to become good Americans. This begets an infinity of problems of every sort, not only for the lately arrived, but for the many earlier settlers whom fate has not treated so kindly.

To meet their needs, special organizations have been created. The largest in membership is the Hebrew Shel-

EXECUTIVE COMMITTEE 1917-1918

J. L. MAGNES - - - - - Chairman
 CYRUS L. SULZBERGER - - Vice-Chairman
 WILLIAM FISCHMAN - - - - - Treasurer
 JACOB MASSEL - - - - - Secretary

| | |
|--------------------------|--------------------------|
| ISAAC ALLEN | WILLIAM LIEBERMANN |
| JOSEPH BARONDESS | <u>LOUIS MARSHALL</u> |
| S. BENDERLY | H. MASLIANSKY |
| LOUIS BORGENICHT | H. PEREIRA MENDES |
| ELIAS A. COHEN | <u>EUGENE MEYER, JR.</u> |
| JULIUS J. DUKAS | LEON MOISSEIFF |
| SAMUEL DORF | S. NEUMANN |
| MRS. WILLIAM EINSTEIN | S. ROTTENBERG |
| HARRY FISCHEL | LEON SANDERS |
| ISRAEL FRIEDLAENDER | <u>JACOB H. SCHIFF</u> |
| H. M. GOLDFOGLE | BERNARD SEMEL |
| JACOB KOHN | P. A. SIEGELSTEIN |
| DAVID KORNBUEH | JOSEPH SILVERMAN |
| <u>HERBERT H. LEHMAN</u> | I. M. STETTENHEIM |
| LEO LERNER | ISRAEL UNTERBERG |
| ADOLPH LEWISOHN | <u>FELIX M. WARBURG</u> |

JACOB WERTHEIM

ADMINISTRATIVE COUNCIL

S. BENDERLY - - - - - Chairman
 HARRY SACKLER - - - - - Secretary

CHAIRMEN STANDING COMMITTEES

Correctional Affairs - - - - -
 Discrimination - - - - - LEON MOISSEIFF
 Education - - - - -
 Finances - - - - - WILLIAM FISCHMAN
 Industry - - - - -
 Information and Service - - - - - BERNARD SEMEL
 Legislation - - - - - LOUIS MARSHALL
 WILLIAM LIEBERMANN, Vice-Chairman
 Membership and Organization - - - S. ROTTENBERG
 Publicity - - - - -
 Recreation - - - - - ELIAS A. COHEN
 Religious Affairs - - - - - ISAAC ALLEN
 War Emergency - - - - - HENRY M. GOLDFOGLE

Address all communications to

KEHILLAH (JEWISH COMMUNITY)
 OF NEW YORK CITY

356 SECOND AVENUE. TELEPHONE: GRAMERCY 7170

on a farm of 210 acres. The capacity of the Sanitarium is 225; the average stay of patients is six months.

There are two auxiliary societies connected with the organization, the Ladies' Auxiliary Society, which provides clothing for inmates, assists in the general care of the Home, and works for the welfare of the patients, and the Young Ladies' Welfare League, which furnishes entertainment to the inmates of the home.

The Institution is a member of the Federation for the support of Jewish Philanthropic Societies of N. Y. City. The Budget for 1917 was \$390,583.48 of which the Federation provided \$169,583.48.

In addition to this the Federation contributed \$14,698.00 towards a budget of \$15,568.00 of the Montefiore Home Ladies' Auxiliary.

The officers are:—Pres., Jacob H. Schiff, 965 Fifth Avenue; Vice-Presidents, Henry Solomon, 58 East 65th St., and Leopold Stern, 27 West 87th St.; Treas., Fred M. Stein, 15 W. 75th St.; Hon. Sec., Arthur D. Wolf, 137 Madison Ave.; Medical Director, Dr. S. Wachsmann; Supt., M. D. Goodman; Supt., Country Sanitarium, Dr. B. Stivelman; Pres. Ladies' Auxiliary Society, Mrs. Sidney C. Borg.

Schiff, Jacob Henry, was born in 1847, at Frankfort-on-the-Maine, Germany. He received his education in the schools of Frankfort. In 1865 he came to America, where he settled in New York City. Here, he joined the staff of a banking house. In 1873, he returned to Europe where he made connections with some of the chief German banking houses. Upon returning to the United States, he entered the banking firm of Kuhn, Loeb and Company, New York of which he later became the head. His firm became the financial reconstructors of the Union Pacific Railroad, and since then is strongly interested in American railroads. Mr. Schiff's principle of "community of interests" among the chief railway combinations led to the formation of the Northern Securities Company, thus suppressing ruinous competition. The firm of Kuhn, Loeb & Co., floated the large Japanese War Loans of 1904-5, thus making possible the Japanese victory over Russia. Mr. Schiff is director of numerous financial companies, among them the Central Trust Company, Western Union Telegraph Company, the Wells Fargo Express Company. He has been several times vice-president of the New York Chamber of Commerce.

Mr. Schiff is widely known for his many philanthropic activities and for his interest in education. Of his numer-

ous philanthropies only a few can be mentioned here. He founded the Chair in Social Economics at Columbia University; he presented the fund and the building for Semitic studies at Harvard, he has been Chairman of the East Asiatic Section of the Museum of Natural History of New York, which has sent out many expeditions for the study of Eastern history and conditions; he has made donations to the various museums of the city, and presented the New York Public Library with a large number of works dealing with Jewish subjects; he has presented to Barnard College the recently erected students' social hall.

Mr. Schiff is the Jewish philanthropist par excellence. His philanthropies embrace every phase of Jewish life. He is intensely interested in hospital work and is the president of the Montefiore Home, and a contributor to Mount Sinai Hospital and all other important Jewish hospitals of the city. He is profoundly interested in Jewish education and took a leading part in the reorganization of the Jewish Theological Seminary of America; he is also the founder of the Bureau of Education. In addition Mr. Schiff is trustee of the Baron de Hirsch Fund and the Woodbine Agricultural School. He has provided the building and funds for the Young Men's Hebrew Association of New York City.

Mr. Schiff has always used his wealth and his influence in the best interests of his people. He financed the enemies of autocratic Russia and used his financial influence to keep Russia from the money market of the United States.

When last year, Mr. Schiff celebrated his seventieth birthday, all the factions of Jewry in the United States and elsewhere united in paying tribute to him.

Beth David Hospital, 1824 Lexington Ave., Pres., Jacob Carlinger, 299 Broadway., Sec., David Trautman, 36 W. 113th St., Supt., Sholem Appel, Lexington Ave., and 113th St. Established 1886. Incorporated 1910. Budget for 1917. \$45,000. ACTIVITIES: 1—Gives medical and surgical treatment to the sick poor. 2—Dispensary. 3—Out Door Maternity Department.

Carlinger, Jacob, Pres., Beth David Hospital (Lex. Ave., & 113th St.); since 1912. Term 1 year. Born 1880 in Russia. Came to U. S. 1891. Attended public school. Builder and Decorator, 299 B'way Res. 106 Second Ave.

Mikur Cholim Kasher Hospital of the Hebrew Ladies of Brooklyn. Established 1904. Incorporated 1911. Pres., Mrs. Mary Arbelitt, 370 Flu-

THE JEWISH SOCIALIST FEDERATION OF AMERICA

By FRANK F. ROSENBLATT,

Chief of Staff, Bureau of Philanthropic Research.

Internationalism is Jewish nationalism

The birth of the Jewish Socialist Federation in 1912 must be recognized as the most important landmark in the history of the Jewish Socialist movement in this country. The Federation was the outgrowth of a previous organization, the Jewish Socialist Agitation Bureau, which for a period of seven years led a precarious and inconsequential existence. *World Govt. is Jewish*

The Agitation Bureau was organized at a time when the idea of Jewish nationalism began to spread its roots in the minds of the Jewish workmen. It is to the glory of the Jewish Socialist Bund in Russia that the question of nationalism, which in the minds of the Socialists of the older generation was synonymous with oppression and subjection, was forced into the foreground. The idea became ever more popular that nationalism and internationalism are by no means mutually exclusive terms, and that genuine internationalism is possible only when all nations are guaranteed full and equal rights. The heroic fight of the Bund against the old Russian autocracy caused thousands of its members and followers, many of them exiles to Siberia or under rigid surveillance by the gendarmes, to flee to this country. For some years these Bundists lived, as it were, in exile in a free country. Handicapped by ignorance of the language, they kept aloof from the life and activities of the Socialist Party, and even those who considered it their

Exhibit 217

sacred duty to join the organization, could not participate in the discussions of practical or theoretical issues or exert any influence on the policy and administration of the respective branches. But they would not resign themselves to inactivity, and as a result a net of Bund branches was spread throughout the United States and Canada. For a number of years these branches, whose primary object was to collect funds for the Bund in Russia, were the most active and influential bodies in the Jewish radical world. Their members formed the vanguard of the Workmen's Circle (Arbeiter Ring), and swelled the ranks of the Jewish trade unions. The activities of the branches were coördinated and supervised by a Central-Verband which was elected at the annual conventions. At the same time, however, most of the members remained strange and indifferent to the American Socialist movement. This anomaly became particularly striking after the great influx of political refugees which the abortive Russian revolution of 1905 had swept to these shores. *X Reds pour in.*

It was then that a number of Bundists began to talk of forming a Jewish Socialist organization on a somewhat modified platform of the Bund. The East Side Socialist "old timers," far from relinquishing their self-generated, self-moved, irresistible hatred of nationalism, were on the alert to stave off the danger of the Bund contagion, endeavoring at the same time to recruit the active and well-disciplined elements for the American Socialist movement. The Agitation Bureau was accordingly organized for the purpose of conducting Socialist propaganda in Yiddish. A number of branches were

Thus the different groups carried on their specific activities until the Seventh Zionist Congress in 1905, at which the split came between the Palestinians and the Territorialists. *Jews are Marxists*

Among the radical groups the controversy concerning Uganda and Palestine was more intense than in the general Zionist organization. This was because some of the radical youth held that no territory at all was needed, but that Jewish administrative autonomy (a Saym) in a free Russia was quite sufficient. Gols nationalism was then hatched, and "Yiddishism" had already gained ground.

Zionist-Socialism, however, was enriched by an extraordinarily strong new force: B. Boruchov, who has just died in Kiev. He declared himself a Poal-Zion in Switzerland, at the time of the Seventh Zionist Congress. He had been a Socialist for a long time. Thereafter he joined the Zionist organization, and distinguished himself by his hard work. Joining the Poale-Zion, he introduced a theory which was necessarily very popular among the Jewish masses, who were at that time Socialist through and through. He contended that only through a land of their own in Zion could the Jewish people have a proletariat, and that Zionism ought therefore to join forces with Socialism, because in Gols the Jews are not even permitted to be workmen. Large industries are barred to them. They have become a "Lumpenproletariat." Boruchov termed his theory "der stichischer Prozess vun Zionism," that is, the Jews will inevitably be driven to Zionism because in Gols they will not be able to build up a normal proletariat. Zion-

ism thus received a Marxist basis, and appealed strongly to the masses. *Zionism always Marxist*

Boruchov lived at that time in Poltava, where the Poale-Zion were influenced by that strong spirit, J. Ben-Zwi, later a leader of the Poale-Zion in Palestine. In November of 1905, Borochoy and Ben-Zwi organized a conference of the Poale-Zion of the Province of Poltava, and in December of that year, at the time of the great Russian general strike, they organized a Jewish Russian conference in Berditchev. There the anti-Palestinians separated from the Poale-Zion, and three months later (Purim 1906), the first All-Russian Conference of the Poale-Zion, including the Polish branches, met in Poltava. This conference laid the foundation stone of the Social Democratic Zionist Party Poale-Zion.

Boruchov, with the assistance of other intellectual comrades—a number of them students—took charge of a number of periodicals in Russian and Yiddish, which the Russian Government suppressed one after the other. (In Russian: "The Jewish Workmen's Chronicle" and "The Hammer." In Yiddish: "The Proletarian Idea," the "Forward," and an edition of books called the "Hammer.")

At the same time that the party was organized in Russia, sister societies were organized in America, in Austria, in England, and, finally, in Palestine.

The other parties went through practically the same course as the Russian party. The Palestine party had an especially stormy career. Its first leaders were Israel Schochat, the very popular labor leader in Palestine.

Red revolutionaries - world orgn.
 who was banished by the Turkish Government to Broussa, and, later, J. Ben-Gorion, who is now in America.

The Poale-Zion began their career in Palestine with a Yiddish paper, "Der Anfang." Later, in 1909, at their sixth conference, they adopted Hebrew as their official language, and as soon as the Turkish constitution was adopted, they began to publish their Hebrew paper "Ha-achduth" ("Unity"). This paper appeared until Tammuz 1914, when it was suppressed by the Turkish Government, and its editor, Zerubbabel, condemned to life imprisonment. In Palestine, the Poale-Zion have had a severe struggle with another workmen's party, the Ha-poel Ha-zoir (The Young Workmen) which is not Socialistic, and is opposed to strikes. The Poale-Zion were, however, recognized as a part of the Socialist party in Turkey, which gave the party the possibility of influencing the international Socialist movement in favor of Zionism and the Jewish national aims.

The most important achievement of the Poale-Zion in Palestine was the organization of Ha-Shomer (The Watchman), an organization of heroic young guards who protect the property of the colonies with their lives against thieving Arabs. They have aroused the respect of the Arabs for the Jewish name, and have awakened the spirit of heroism in the Jewish youth of Palestine.

In 1907, during the Zionist congress at The Hague, delegates of the Poale-Zion parties of various countries assembled at a conference and organized the Poale-Zion Weltverband ("World Organization"), which watches over the international interests of the Poale-Zion in the Zionist and the Socialist worlds. It organizes constructive work in Palestine. A "Palestine Workers'

Influence on England etc.
 Fund," which is collected from Jews all over the world, is administered by the "World Organization." This "Palestine Workers' Fund" is used for the support of coöperative undertakings, educational and other workmen's enterprises in Palestine. During the war the "World Organization," which is at the present time directed by J. Kaplansky, L. Chazanowitch and B. Locker, at The Hague, has done much in the interest of the Palestinian workingmen. Through its propaganda in the Socialist International and the English Labor Party, the "World Organization" has succeeded in securing a favorable attitude towards Zionist aims on the part of Socialists and labor leaders. As a result, a Jewish home in Palestine is one of the points in the peace program of the "International" and of the English Labor Party.

The Poale-Zion in America

In the far-reaching work of the international Poale-Zionist movement, the "Jewish Socialist Labor Party Poale Zion" of America plays the most important role after the Palestine party. *U.S.A. supplies money*

The Russian reaction of 1906-1917 caused the real centre of the movement to shift to America, and since the war the American party has been joined by all of the important founders and spokesmen of the party from Russia, Austria and Palestine. The American party has collected larger sums of money than any of the others for Palestine and for the work of the Poale-Zionist Bureau at The Hague. With the help of the American party, the "World Organization" presented a Memorandum ("The Red Book") to the Socialist International.

This appeared in a number of languages. It is a declaration of the Jewish nationalist working classes to the workmen of all nations concerning Jewish misery and Jewish aspirations in all lands, as also in Palestine.

Gompers was a Socialist Jew
Thanks to the American Poale-Zion, the Federation of Labor at its convention in Buffalo, and the meeting of workers in Minneapolis, adopted resolutions favoring the creation of a Jewish home in Palestine as a point of their peace program.

U.S. network of Red schools
But even more important has been the recent role of the Poale-Zion in American Jewish life itself, and particularly among the American Jewish working classes.

This was 32 years ago - 1918
The number of members in the party is small, in all from three to four thousand, but its strength lies, first, in its broad international relations, which give the party the possibility of thoroughly informing itself on all Jewish questions; and, second, in the parallel movements which the party has created. The party brought into life a new insurance order for workers, the National Workers' Alliance, which has become well known among the workers because of its idealism and power of self-sacrifice. Its president is Prof. I. A. Hourwich. The movement for national radical schools has been created by the initiative of the Poale-Zion, and is growing from day to day. The chief strength of the party in the Zionist camp, is that it has a better understanding than general Zionist circles of the conditions needed for immediate work, and of local interests. In the labor world, the party is strong because it is very loyal to the Jewish interests of the worker. For that reason, when the Poale-Zionists begin

a movement here, they carry along with them a large number of the Zionists on the one hand and of the workers on the other, because the masses do not find answers to all their questions either in Zionism, which lives almost exclusively with the thought of Palestine, nor in the labor movement, which is absorbed exclusively with economic interests. *N.Y. East Side rules*

The strength of Poal-Zionism lies in this: that it builds the future upon the present, and for that reason its relation to Yiddish, to Jewish life in Golus, to the "Golus values," is more respectful and more tender than that of either Zionists or workmen. It is a party not for Palestine alone, but also for the Golus and its interests. For this reason, Poal-Zionism is the centre of the East Side, from which come forth almost all Jewish American movements, or without which no movement can prosper. The Poale-Zion created the Peoples' Relief; ^{Jewish} they started the Congress movement; and they have always had about them much larger masses than the number of their members would indicate.

In the New York Kehillah, the Poale-Zion were the first of the Jewish working classes to recognize the necessity of the Kehillah and to participate in it. Unfortunately, due to numerous causes, the relations between the Kehillah and the Poale-Zion were broken off too soon.

The Poale-Zion have made their best record in the Congress movement, where they forced the whole Jewish laboring class on the one hand, and the Zionists on the other hand, as well as the better-to-do elements, to participate. During the Congress movement, they united

Pinchas Rutenberg and Kerensky all of the national radical elements in the National Socialist Workmen's Committee, which published a weekly, "The Jewish Congress." They found a capable co-worker in P. Rutenberg, the well known Socialist Revolutionary, who later became the right hand of Premier A. F. Kerensky in the position of Vice-Commandant of the Petrograd Military District. Rutenberg, together with Dr. H. Schitlowsky, and a large number of other intellectuals, later officially joined the party as members.

The Poale-Zion are carrying on a bitter struggle with the Provisional Zionist Committee, whose undemocratic conduct they refuse to sanction. They withdrew from the Provisional Committee because of the autocracy of the Committee, and they refused to take part in the conference of the Committee recently held in Baltimore.

On the other hand, the Poale-Zion are carrying on a life-and-death struggle with the official labor leadership which is centered in the Jewish Daily Forward, because of its indifference to the Jewish interests of the workmen, to the historical interests of the Jewish people. But the opponents in both camps respect the Poale-Zion; it is known that they are not fighting for their own benefit, nor for prestige, but that they are rather a party of idealists, of self-sacrificing champions of a better Jewish future here, in every other land, and in Palestine.

The party publishes a weekly, "Der Yiddisher Kaempfer," which is edited by the gifted Jewish author, David Pinski. In addition, the Palestine Committee of the Poale-Zion issued this year an important book, "Yiskor," in memory of the fallen guards (Shomerim) in Palestine; also a book "Erez Israel," containing comprehensive data on

the economic, political and social life of Palestine. They have also issued a number of smaller publications. There are about one hundred Poale-Zionist societies in America and there are also more than one hundred societies in the National Workers' Alliance, which coöperates with the Poale-Zion. The National Socialist Labor Committee has also a number of societies, as does the Alliance of the National Radical Schools. All of this constitutes a strong national-Socialist movement in America under the spiritual leadership of Poal-Zionism.

JEWISH SOCIALIST LABOR ORGANIZATION: POALE ZION, 266 Grand St. Sec., H. Ehrenreich, 266 Grand St. Established 1903, incorporated, 1909. Budget for 1917, \$12,000. Membership, 4,700. Branches in N. Y. C. 14.

PURPOSE: "The restoration of the Jewish people in Palestine; the establishment of a socialistic commonwealth; the organization of the Jewish labor class for its economic and political interests in America; the organization of the Jewish workmen ready to settle in Palestine in coöperative groups for the creation of better living conditions; the education of the Jewish masses in America; the issuing of literature devoted to the interests of the Jewish workmen and of books treating the life of the new Jew developing in Palestine; the organization of the Jewish labor classes into trade unions."

ISSUES: "Der Yiddisher Kaempfer."

Poale Zion of Williamsburg,
355 Bedford Ave., B'klyn.
Org. 1917. Membership, 25.
Sec'y, S. Sarnotsky, 114 So.
2nd St., B'klyn.

The Poale Zion of Boro Park,
1302 40th St., B'klyn. Org.
1916. Membership, 80. Sec'y,
Herman Yarmowsky, 4315
14th Ave. *Eto, etai*

The wealthy Am. Jewish Com.

In December, 1912, by a decree of the Supreme Court of the State of New York, the Committee was adjudged to be entitled to the balance remaining in the hands of the National Committee for the Relief of Sufferers by the Russian Massacres, which amounted to \$190,000. This fund has since been practically exhausted by appropriations for various purposes mentioned below.

C. The Work of the Committee

The work done by the American Jewish Committee may be conveniently summarized in accordance with the four objects quoted above.

I. PREVENTION OF INFRACTION OF CIVIL AND RELIGIOUS RIGHTS

X The Census Bill.—The Committee successfully opposed the bill introduced in Congress in 1909, providing that census enumerators should ascertain the races of all inhabitants of the United States. Such a census the Committee believed to be not only practically difficult and unreliable, but also capable of giving rise to invidious and unjustifiable comparisons.

X Naturalization Laws.—The Committee also opposed with success the passage of legislation and the rendering of judicial decisions, by which it was sought to deprive "Asiatics" of the privilege of naturalization because it believed that such laws would deprive Jews coming from Asia of the right to become citizens.

Schechitah.—Noting that there was an organized propaganda in several States of the Union against the practice of Schechitah, the Committee combated this movement energetically and successfully. (over)

painful bleeding to death of animals
X Extradition of Pouren and Rudovitz.—In 1909, the Russian Government sought the extradition of two political refugees, Pouren and Rudovitz, who had fled to this country. The Committee appreciated the bearing of their cases upon a large number of Jews who had taken part in the Russian Revolution, and who had sought, or who might seek, an asylum in this country, and in coöperation with others succeeded in defeating the attempt of Russia. See Schiff Ex-214

X The Beilis Case.—Similar services were rendered by the Committee in 1912, when Mendel Beilis was accused of having committed murder for ritual purposes. By the circulation in the American press of authentic information, the Committee succeeded in interesting journalists to such an extent, that the entire country was convinced of the infamous character of the charge brought against Beilis, and the leading Christian divines of America addressed a solemn protest to the Russian government against the proceedings, and disavowed their belief in the atrocious charge. Fortunately, after a long trial, Beilis was acquitted.

The Jews in the Balkans.—When, at the conclusion of the Balkan Wars in August, 1913, a considerable region formerly belonging to the Ottoman Empire, passed into the hands of the Balkan Allies, thus bringing about substantial increases in the Jewish population of Roumania, Greece, Serbia and Bulgaria, the Committee successfully approached our Government with the request that it employ its good offices with a view to securing adequate guarantees for the protection of the rights of the popu-

lation of the conquered territories without distinction of race or creed. *American Legislation altered*

III. EQUALITY OF OPPORTUNITY

The Restriction of Immigration.—The danger that the enactment of repressive immigration legislation might deprive the persecuted Jews of Russia, of Roumania and of Galicia, of the opportunity of reconstructing their lives in this country, caused the Committee the greatest anxiety, and occupied much of its attention. Through the efforts of those favoring the liberal immigration policy, the harshness of the laws proposed at the opening session of Congress in 1906 was mitigated and the Act of February, 1907, was passed, providing among other things, for the appointment of an Immigration Commission. The Committee offered to put at the disposal of the Commission data that might be of use in the endeavor to reach a just and unbiased conclusion, and in coöperation with other Jewish organizations, submitted recommendations designed to end various injustices and abuses.

After three years of study, the report of the Commission evidenced but slight desire on its part to depart from the time-honored tradition that has made this country a refuge for the oppressed of all lands, but it nevertheless contended that on economic grounds, the increase of our population by immigration was too rapid and recommended the adoption of a reading and writing test as the most equitable method of bringing about a measure of restriction.

This report was a signal for the formation of various

restrictive measures. Three restrictive bills, containing a literacy test, were unanimously passed by Congress, but all were vetoed; one by President Taft, and two by President Wilson. In the three instances, the Committee presented arguments to the President of the United States urging his disapproval of the bills as passed. In the third instance, despite the emphatic veto of President Wilson, the bill is claimed to have passed over his veto. The Committee opposed this legislation at every stage and succeeded in having incorporated several modifications which make clearer its intent and slightly mitigate its vigor. It also succeeded in procuring the adoption of a clause which excluded from the operation of the literacy test, those who came to this country to avoid religious persecution, whether induced by overt acts, by oppressive laws, or by governmental regulations. An important amendment was also procured, debarring the application of the law to Russian territory in Asia. This had a vital bearing on the international attitude of the United States and Russia as affecting future treaty relations. Other dangerous amendments were defeated.

III. ACTION TO REMOVE RESTRICTIONS OF RIGHTS

The Passport Question.—The Committee considered that it was one of its most important functions to bend every effort toward the solution of the passport question, which arose out of the violation by the Russian Government of a treaty between that Government and the United States made in 1832. This treaty obligated both Governments to accord to all the citizens of the other, without distinction, the liberty of travel and sojourn,

Jews force U.S. to break Russ. Treaty
 and to guarantee to them security and protection. But for more than forty years the Russian Government persisted in refusing to recognize the American passport in the hands of American citizens of the Jewish faith. The Russian Government required its consuls within the jurisdiction of the United States to interrogate American citizens as to their race and religious faith and upon ascertainment thereof to deny to Jews the authentication of passports for use in Russia. This practice involved not only such American citizens of the Jewish faith as had been former subjects of Russia, but all American Jews no matter what their antecedents. The Committee, after serious consideration, determined to recommend to the President the abrogation of the treaty with Russia, and on May 18, 1908, dispatched a letter to President Roosevelt. This began the attempt on the part of the organization to induce our Government to take some effective action to terminate the controversy. Correspondence with the same end in view was also had with President Taft and was supplemented by personal interviews with the President and with Secretaries of State, Root and Knox. *Schiff headed this delegation.*

All these endeavors proving ineffectual, the Committee decided to lay the facts before the people of the United States, and with the complete coöperation of almost every Jewish organization in the United States, a campaign of publicity was entered upon, which finally resulted in the issuance by President Taft of a notice to the Russian Government of the intention of the Government of the United States to terminate the Treaty of 1832. This action was subsequently ratified by the Sen-

Jews bring political parties to heel
 ate and the House of Representatives with but one dissenting vote in the latter House.

The effect of the termination of the treaty, was the declaration of the national policy of the United States, that it would not tolerate further discrimination against American citizens of the Jewish faith. Since treaties are, under the Constitution, the supreme law of the land, with the termination of the treaty there no longer exists a law which according to the Russian Government's contention was susceptible of the unconstitutional construction that our Government permitted discrimination against American citizens on account of race or religion. *X* The action of President Taft and of the Congress of the United States was subsequently approved by all the great political parties of the country, in the platforms adopted by them in 1912, and again in 1916.

The Civil Rights Law.—In the summer of 1913 the Committee succeeded in securing the passage by the Legislature of the State of New York of an amendment to the Civil Rights Law of the State explicitly prohibiting religious or racial discrimination by keepers of public resorts.

Similar action has been taken in Pennsylvania and is contemplated in other States of the Union.

IV. ALLEVIATION OF THE CONSEQUENCES OF PERSECUTION AND DISASTER

As already pointed out, the direct cause of the formation of the Committee was the need for some organization which, in emergencies such as that which faced the Jews in 1903-5, could extend relief of a material nature

One Red sector of Am. Jewry

an important role in the Jewish Congress movement.

The National Workmen's Committee was organized in the early part of 1915, by representatives of the four leading radical organizations, viz.: The Workmen's Circle, the United Hebrew Trades, the Jewish Socialist Federation of America, and the Forward Association. The object was set forth in a declaration calling upon all labor and radical organizations to join in a movement for the achievement of equal rights for the Jews in all countries where they were deprived of such rights. From the outset the founders aimed to make the Committee truly democratic and representative. For this purpose a conference of all labor and radical organizations was held on the 18th of April, 1915. Over two hundred organizations were represented, including branches of the Workmen's Circle, locals of Trade Unions, Socialist branches, and others. The Conference adopted a resolution endorsing the declaration of the Provisional National Workmen's Committee and elected a local executive committee. Similar conferences were held in practically every important Jewish community all over the United States, and local executive committees were elected. The local conferences constituted themselves branches of the National Workmen's Committee and adopted the platform of the latter. This platform called upon the Jewish workmen of this country to organize a campaign for the achievement of civil, political and national rights for the Jews in Russia, Poland, Galicia, Roumania and Palestine. The national organization was authorized to carry on propaganda for the purpose of arousing the interest of the American people and the

Jews rule Russia & Communist

tions in the various European countries and has collected valuable material, some of which has hitherto proven of great value, and all of which is certain to prove of the highest importance hereafter. *country*

Upon the entry of the United States in the war, the Committee interested itself in the thousands of young men of the Jewish faith who joined the colors. Some of its members were active in organizing the Jewish Board for Welfare Work in the Army and Navy. The Committee has set out to gather complete statistics with regard to the participation of Jews of America in the war and has established for this purpose a branch office in Washington.

It has already had to deal with several instances of apparent discrimination against Jews in connection with the war. Recently it called the attention of the War Department to advertising by army contractors which discriminated against Jewish carpenters, and it is constantly on guard against any instances of discrimination in the army and navy itself, not only with a view of upholding justice and fair play, but also to prevent any impairment of the morale of our military forces.

The revolution in Russia having at a single stroke emancipated the Jews of that country, the Committee, though continuing its study of the Russian situation, has largely concentrated its attention upon the Roumanian Jewish problem and is now engaged, in coöperation with various European organizations, in dealing with it.

Nor has the Committee been oblivious to the future of the Jews in Palestine. It has watched with sympathetic interest the marvelous changes which are now being

wrought upon its sacred soil, the advance of the British army and the capture of Jerusalem, and it appreciates the glorious possibilities that the morrow may bring forth.

Am. Jewish Com. (rich Jews)

Officers: President, Louis Marshall; Vice-Presidents Cyrus Adler, Julius Rosenwald; Treasurer, Isaac W. Bernheim.

Executive Committee: Cyrus Adler, Philadelphia, Pa.; Isaac W. Bernheim, Louisville, Ky.; Harry Cutler, Providence R. I.; Samuel Dorf, New York, N. Y.; Jacob H. Hollander, Baltimore, Md.; Julian W. Mack, Chicago, Ill.; Judah L. Magnes, New York, N. Y.; Louis Marshall, New York, N. Y.; Julius Rosenwald, Chicago, Ill.; Jacob H. Schiff, New York N. Y.; Isador Sobel, Erie, Pa.; Oscar S. Straus, New York N. Y.; Cyrus L. Sulzberger, New York, N. Y.; Mayer Sulzberger, Philadelphia, Pa.; A. Leo Weil, Pittsburgh, Pa. Assistant Secretary, Harry Schneiderman, 31 Union Square.

New York Members: Isaac Allen, Joseph Barondess, Benderly, Louis Borgenicht, Elias A. Cohen, Julius J. Dukas, Samuel Dorf, Mrs. William Einstein, Harry Fischel, Abraham Erlanger, Israel Friedlaender, H. M. Goldfogle, Jacob Kohn, David Kornbluh, Herbert H. Lehman, Leo Lerner, Adolph Lewisohn, William Liebermann, Louis Marshall, J. I. Magnes, H. Masliansky, Jacob Massel, William Fischman, H. Pereira Mendes, Eugene Meyer, Jr., Leon Moisseiff, S. Neumann, S. Rottenberg, Leon Sanders, Jacob H. Schiff, Bernard Semel, P. A. Siegelstein, Joseph Silverman, I. M. Stettenheim, Cyrus L. Sulzberger, Israel Unterberg, Felix M. Warburg and Jacob Wertheim.

Members at large for N. Y. C.: Herman Bernstein, Nathan Bijur, Lee K. Frankel, Samuel C. Lampion, Oscar S. Straus.

Marshall, Louis, was born in Syracuse, New York, on December 14, 1856. He attended the public school and the high school of his native city, and later he entered the Law School of Columbia University. He began practising law at Syracuse in 1878, removing to N. Y. City in 1894, where he became a member of the law firm Guggenheimer, Untermyer & Marshall. As a member of the bar, he has attained a distinguished position. He has argued in many important cases in higher courts, and earned a reputation as an authority on constitutional and corporation law. A public-spirited

He brought Henry Ford To his Knees

citizen, Mr. Marshall served his city and State in many capacities. He is the first citizen in the State to have served in three constitutional conventions—those of 1890, 1894, 1915—in 1894, serving as chairman of the Committee on Future Amendments. He was active in the Convention of 1915, and was the chairman of the Committee on Bill of Rights and on the Judiciary Conservation Committee. In 1905, Mr. Marshall was appointed by Mayor Low of New York City as one of a commission to investigate East Side conditions. In 1908, he served as Chairman of the New York State Immigration Commission appointed by Governor Hughes. He has been for many years chairman of the Committee on the Amendment of the Law of the Bar Association. His protocol of the Cloakmakers' Strike of 1910 served as a basis for numerous strike adjustments since effected. Mr. Marshall was instrumental in procuring reform legislation in many directions, such as the regulation of foreign and private bankers. As a legal authority, Mr. Marshall was called upon to deliver a series of lectures on constitutional law at the Law School of the University of Syracuse, and at the New York Law School. Besides law, Mr. Marshall is interested in many scientific pursuits. He is a member of the Historical Society of New York, Museum of Natural History, Metropolitan Museum of Art, Botanical Society, Zoological Society and of the Academy of Science. He has since its organization been President of the New York State College of Forestry. He is also one of the trustees of Syracuse University, which bestowed upon him the honorary degree of Doctor of Laws. He is Vice-President of the Jewish Agricultural Experiment Station in Palestine. He is now serving as a member of the District Board under the Conscription Act.

In addition to his manifold activities for the general welfare, Mr. Marshall has devoted a great part of his life to the interests of the Jewish people. He is interested in every phase of Jewish life. He is the acknowledged champion of Jewish rights. As the president of the American Jewish Committee, he has watched over Jewish interests the world over, and was particularly prominent as the leader in the movement for the abrogation of the treaty with Russia. He is a ranking member of the Executive Committee of the Jewish Community (Kehillah) of New York City. He is the president of Temple Emanu-El and founder and a director of the Jewish Protectory and Aid Society. He is profoundly interested in Jewish education and has endowed the Florence Marshall Memorial Fund for the pur-

Now organized in 64 countries

representatives to an American Jewish Congress which shall meet at on

exclusively for the purpose of defining methods whereby, in co-operation with the Jews of the world, full rights may be secured for the Jews of all lands, and all laws discriminating against them may be abrogated. It being understood that the phrase 'full rights' is deemed to include: controlling legislation for Jews.

"1) Civil, religious, and political rights, and in addition thereto

"2) Wherever the various peoples of any land are or may be recognized as having rights as such, the conferring upon the Jewish people of the land affected, of like rights, if desired by them, as determined and ascertained by the Congress. Armed by Reds and

"3) The securing and protection of Jewish rights in Palestine. Now stolen from Arabs —

"No resolution shall be introduced, considered or acted upon at the Congress, which shall in any way purport or tend to commit the Congress as a body, or any of its delegates or any of the communities or organizations which shall be represented therein, to the adoption, recognition or endorsement of any general theory or philosophy of Jewish life, or any theoretical principle of a racial, political, economic or religious character, or which shall involve the perpetuation of such Congress.

"The calling and holding of the Congress shall in no manner affect the autonomy of any existing American Jewish organizations, but in so far as the Executive Committee selected by such Congress shall take action for the securing of Jewish rights as defined in the Call for such Congress, the activities of such Executive Committee shall, during the period of its existence, be regarded as having precedence over those of any other organizations which shall participate in such Congress."

In keeping with this agreement, a new Executive Com-

mittee consisting of 140 members, 70 members representing each of the two groups of organizations, was formed. This Committee met and organized at the Hotel Savoy, New York, on December 25th, 1916, electing an Administrative Committee of 70 members and choosing the following as officers: Nathan Straus, Chairman; Harry Cutler, Morris Hillquit, Harry Friedenwald, Isaac A. Hourwich and Leon Sanders, Vice-Chairmen; Adolph Lewisohn, Treasurer; Jacob Carlinger, Honorary Financial Secretary; Bernard G. Richards, Executive Secretary. The Administrative Committee met and organized the day after with Colonel Harry Cutler as Chairman. The members of the Administrative Committee in addition to the above officers are as follows:

Senior Abel, Sholom Asch, A. M. Ashinsky, Maurice L. Avner, Joseph Barondess, Isaac W. Bernheim, J. I. Bluestone, Israel B. Brodie, Meyer L. Brown, Gedalia Bublick, Joel Enteen, Mrs. Joseph Fels, Jacob de Haas, Emil G. Hirsch, Max L. Hollander, Maurice Kass, Louis E. Kirstein, Adolf Kraus, B. L. Levinthal, Aaron J. Levy, Louis Lipsky, Julian W. Mack, J. L. Magnes, Louis Marshall, H. Pereira Mendes, Martin A. Meyer, Henry Morgenthau, Hugo Pam, Julius I. Peyser, David Pinski, Edwin Romberg, Bernard A. Rosenblatt, Victor Rosewater, Louis S. Rubinsohn, Jacob H. Schiff, Samuel Schulman, Bernard Semel, Max Silverstein, C. D. Spivak, Joshua Sprayregen, Oscar S. Straus, Solomon Suf-rin, Cyrus L. Sulzberger, Isaac M. Ullman, Stephen S. Wise, Leo Wolfson, B. Zuckerman.

The offices maintained by the old Congress Organization at 1 Madison Avenue, were taken over and are being continued as headquarters of the new Organization.

Organized — In 1915 —
American Government in the condition of the Jews abroad, to exert its influence with the Socialist and labor organizations in America and Europe, and to secure the coöperation of the working class in all countries in the campaign for equal Jewish rights. Half million Red Jews

The first convention of the National Workmen's Committee was held in New York City on the 4th, 5th and 6th of September, 1915. Several hundred organizations from various parts of the country, representing a total membership of half a million Jewish workmen, participated. Delegates were sent from the most distant States, such as Colorado, California and others. The convention was epoch-making in the Jewish labor movement. It was the first time that representatives of all radical wings convened for one purpose. Socialists, trade unionists, anti-nationalists, nationalists and Zionists came as authorized spokesmen from their respective organizations, with the avowed purpose of forming a democratic labor institution for the achievement of full rights for the Jews. Indescribable enthusiasm pervaded the assembly. The several hundred delegates felt the historical moment and, in spite of differences of opinion, sought to reach a unanimous decision on every question relating to the organization, the objects and the program of the newly formed body.

The Convention elected a permanent National Executive Committee, and minority representation was given to the Poale Zion Party, the National Workmen's Alliance and the Socialist Territorialists. The Executive Committee was charged with the propaganda work for equal civil, political and national rights for the Jews. As

a concession to the Socialist-Zionist elements, Palestine was singled out in the resolution, which declared for free colonization and the removal of all anti-Jewish restrictions in that country. Rich Jews Cooperate

The most important decision of the Convention, however, was expressed in the resolution which directed the Executive Committee to participate in the organization of an American Jewish Congress provided, however, that such a Congress should not function as a permanent Jewish body, and that it be organized on a thoroughly democratic basis. Propaganda for a Jewish Congress had been carried on by the Jewish Congress Committee. The American Jewish Committee opposed the idea of a Congress and proposed a conference of national Jewish organizations. The two organizations differed on the question of method rather than of principle. The Convention accordingly elected a Special Committee of Seven for the purpose of bringing together all groups of American Jewry in the work of Jewish rights. A number of conferences were held between representatives of the National Workmen's Committee and of the American Jewish Committee. The former included Messrs. Sholom Asch, David Pinski, Max Goldfarb, B. Zuckerman and Frank F. Rosenblatt; the latter included Messrs. Louis Marshall, J. L. Magnes, Cyrus L. Sulzberger, Cyrus Adler, Col. Harry Cutler, and others. Several conferences were also held with representatives of the Jewish Congress Committee, viz., Messrs. Louis D. Brandeis, Louis Lipsky, G. Bublick, A. Goldberg, B. G. Richards, and others. After the objection of the American Jewish Committee to the term "national rights" had been over-

the activities of the Executive Committee. The National Workmen's Committee, however, has come to stay. It is a Jewish Committee, and unfortunately the Jewish question has not yet been wholly solved.

The officers of the Committee are: Frank F. Rosenblatt, Treasurer; J. B. Salutsky, Secretary.

The Executive Committee consists of:

| | |
|----------------|---------------------|
| A. Baroff | M. Lulow |
| I. Baskin | M. Olgin |
| Isidor Cohen | Jacob Panken |
| M. Gillis | Max Pine |
| J. Halpern | Frank F. Rosenblatt |
| Dr. J. Halpern | J. B. Salutsky |
| A. Held | L. Schaffer |
| B. Hoffman | J. Schlossberg |
| E. H. Jeshurin | S. Valitzky |
| H. Lang | B. Vladeck |
| | M. Winchevsky |

CENTRAL VERBAND OF THE BUND ORGANIZATIONS OF AMERICA, 202 East Broadway. PURPOSE: Financial aid to the Jewish Socialist Bund in Russia, Poland and Lithuania. Branches in all cities of the United States and Canada. At one time, particularly during the years 1904 to 1907, the branches of the Bund were the most active and influential bodies in the Jewish radical spheres in this country. Their members were found in the vanguard of the Jewish trade unions and swelled the ranks of the Workmen's Circle. During the massacres of 1905 and 1906, the Central Verband obtained tens of thousands of dollars for the self-defense fund of the Bund in Russia. The Bund played an important part in educational work of the Jewish masses of the United States. Since the Russian Revolution in 1917, the Central Verband of the Bund has been active in collecting funds to assist the Russian Bund in its work against counter revolution forces and against the agitation by the Black Hundred for massacres of the Jews.

Sec'y, M. Gurwich, 202 E. B'way; Treas., Dr. C. Kopelson, 965 Hoe Ave.

Fights to hold Communist power of Bolsheviks in Russia—U-S-A Jews send money.

PUBLICATIONS OF THE DEPARTMENT OF STATE

Exhibit 243

PAPERS RELATING TO THE
FOREIGN RELATIONS
OF THE UNITED STATES

1918

RUSSIA
(IN THREE VOLUMES)
VOLUME IUNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1931

THE MARCH REVOLUTION Exhibit 244 7

aspired all the people that welfare of Empire goes before. all else I have firmly resolved accept highest power only on condition that this is will of our great Nation as the people should establish form of government and new constitution of Russian Empire through plebiscitum expressed by its representatives in Constitutional Assembly.

Invoking highest blessing upon you I request all subjects of Russia to submit to Provisional Government formed on initiative of Duma and having all power and authority until within short time Constitutional Assembly chosen by general, direct, equal, and secret reelection shall express the will of the people by its decision regarding form of government.

MOROS

File No. 231.00/222

The Ambassador in Russia (François) to the Secretary of State

[Telegram]

PETROGRAD, March 19, 1917, 8 p. m.

[Received March 20, 6 p. m.]

1110. Orderly quiet still prevails. Present eminently wise arrangement estops claims of any pretended blood successor as the Grand Duke Michael represents hereditary succession after abdication of Tsar and the Tsarevich and his qualified acceptance nullified any pretender's claims by preserving Imperial succession until the people act.

Understand that Provisional Government needs funds badly. England has been financing Russia, and is likely to continue whenever Allies unitedly recognize the present Government. Assistance to meet pressing necessities would be very opportune and highly appreciated. Financial aid now from America would be master stroke.

Incumbently important to the Jews that revolution succeed. If Jews make such advances, however, great discretion should be exercised lest revolution assume a phase which would arouse opposition to [of] anti-Semites who are numerous here.

FRANÇOIS

File No. 231.00/222

The Consul at Petrograd (Winslip) to the Secretary of State

No. 274

PETROGRAD, March 20, 1917.

[Received April 22.]

Gen: I have the honor to report that as a result of serious economic, political, and military disturbances, the government of this city and district has been completely assumed by an Executive Committee of the Imperial Duma, at least for the time being.

2000-21-2

lished in the country of our adversaries, and constituting a serious menace to the liberty of all nations. I hasten to assure you that the Russian Government and all the Russian people are preparing the heartiest welcome to the Extraordinary Mission of the President which is coming hither from the great transatlantic Republic which, throughout all its history, has been reared on the lofty democratic principles of liberty, equality and justice.

Accept [etc.]

M. I. TERESHCHENKO

File No. 763.72/5239

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, June 5, 1917, 5 p. m.

[Received June 9, 11.50 a. m.]

1861. Hear that Russian refugees returning from America planning to inspire attack upon Root charging that as Secretary of State he refused to permit certain Russian refugees to enter United States. Please cable facts. American Consul, Vladivostok, wires Diplomatic Commission arrived morning of June 3; left same afternoon, due Petrograd about 12th.

FRANCIS

File No. 763.72/5239

The Secretary of State to the Ambassador in Russia (Francis)

Schiff
intervenes for a Red Revolutionary
WASHINGTON, June 12, 1917, 5 p. m.

1481. Your 1861, June 5, 5 p. m. When the Root commission was preparing to leave, some newspaper stories appeared here charging that Mr. Root assisted in extraditing Russian political offenders. I assume your report may originate from the same source. The Department has no information regarding Mr. Root's connection with refusal to permit Russian refugees to enter the United States. That matter, bearing on immigration, was never under Mr. Root's charge when he was Secretary of State. As to extradition of Russian political offenders, Mr. Root as Secretary of State took clear and unequivocal position. In the Pouren case, which came before him in 1906, Mr. Root stated, in a letter to Mr. Schiff, of New York, dated October 16, 1906:

You doubtless know that an extradition case is a judicial proceeding in which testimony is taken before a committing magistrate whose decision is reviewed by the Secretary of State. In this case no substantial evidence was produced before the committing magistrate to show that the offenses charged against Pouren were political,

and the magistrate accordingly decided against Pouren. If the State Department had acted in the case, it would have been obliged to decide that the magistrate's decision was correct upon the evidence before him and to issue a warrant for Pouren's extradition.

In view, however, of the public statements that Pouren was merely a political offender, instead of an adverse decision a careful inquiry was made and upon its appearing that there was substantial evidence which had not been produced before the magistrate, tending to show that Pouren's acts were political, the magistrate was directed to reopen the case and give Pouren's counsel an opportunity to introduce such evidence.

You will perceive that the delay in deciding the case has been altogether favorable to Pouren, and for the purpose of giving him an opportunity to prove his real defense which he failed to prove originally.

Of course you will understand that there is not the slightest idea of returning any one to Russia or to any other country to be tried for a political offense.

Secretary Root declined to issue a warrant for the surrender of Pouren to Russia, and Pouren was discharged from the custody of the committing magistrate.

On January 14, 1909, the American Federation of Labor submitted to President Roosevelt in a letter signed by Mr. Gompers, John Mitchell, and other members of the executive council of the Federation, a memorandum on the Pouren extradition case and certain Mexican extradition cases, with the request that the President safeguard the right of asylum in the United States. This letter being submitted to Secretary Root, he advised the President January 16, 1909, that Jewish Gompers intervenes for Red Pouren.

The treaties and statutes of the United States contain adequate provisions for safeguarding the right of asylum for political refugees. Every specific case mentioned in the memorandum is covered by such provisions of treaty and statute. In each specific case where a demand for extradition is made by a foreign country and the person demanded claims to be a political refugee, there is always a question of fact raised as to whether the assertion of political character is true or not. This question under the laws of the United States is to be decided judicially in the first instance by a United States commissioner acting as a magistrate and proceeding upon evidence taken under oath, and in the second instance, by the Secretary of State, reviewing the decision of the commissioner upon the evidence. If the question of fact is determined in favor of the person demanded, the law forbids his extradition and protects him in his right of asylum. If the question of fact is decided against the person demanded, his extradition is required by law because there is no right of asylum in his case.

LAWSON

THE PROVISIONAL GOVERNMENT: PREMIERSHIP OF KERENSKY

The Ministerial Crisis of July 1917—Resignation of the Cadet¹ Ministers—
The Bolshevik Demonstration—Breakdown of the Offensive—Formation
of the Kerensky Ministry—The National Conference at Moscow—The
Fall of Riga

File No. 861.00/421

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, July 16, 1917, 8 p. m.

[Received July 18, 9.05 a. m.]

1519. Reported that four Cadet Ministers resigned, Minister of Finance, Minister of Ways of Communication, Minister of Education and the Minister of Public Welfare. Asked audience with the Minister for Foreign Affairs but office replied he was sick at home thereupon telephoned residence and the reply was Minister too ill to see me but would to-morrow morning. Cause attributed is that Minister of War, Minister for Foreign Affairs and Minister of Posts and Telegraphs who returned yesterday from Ukraine had granted that province concessions with which Cadet Party unable to agree. Understood Minister of Ways of Communication after resigning from the Ministry will leave Cadet Party and be reappointed to Ministry. Council of Ministers will meet this evening to consider situation. Real difficulty appears to be that Cadet Ministers wish relief from responsibility of situation which becoming critical on account of food scarcity and workmen's refusal to work.

Later. Afternoon papers report Ministry had all-night session which Kerensky came from front to attend, returning to front 8 this morning after saying, "Cadet Ministers stabbed Russia in the back while fighting enemy at our gates." Cadets dominated by Milyukov.

FRANCIS

File No. 861.00/427

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, July 17, 1917, 5 p. m.

[Received July 23, 5.05 a. m.]

1521. Last evening began demonstration by workmen and soldiers under inspiration of Bolsheviks against Provisional Government

¹ Constitutional Democratic Party (Konstitutsionno Demokraticeskaya Partiya).

ostensible grievance being Kerensky's order for demobilization two regiments at front because refuse to obey orders. Crowds of armed and unarmed persons marched through streets finally assembling at Duma where were addressed by Cheidze, counseling moderation and advising disbandment, but such advice received coldly, whereupon Trotsky, the exiled Russian taken from Christianiafjord and detained at Halifax in April, aroused great enthusiasm by advocating violent measures. Motors of Ministers commandeered and efforts made to arrest Lyov and Kerensky but latter had departed for front. Four Cadet Ministers resigned. Remaining Ministers offered to transfer Government to Soldiers-Workmen who declined expressing preference for coalition government. Lvov then outlined policy on which demanded concurrence and furthermore required resignation of Chernov, Minister of Agriculture, whom he terms suspicious character trying to get connection [appointed?] Minister for Foreign Affairs. Large crowd assembling at Duma composed of workmen and disloyal soldiers; rumors of Cossacks' being summoned; some firing last night and reported casualties but nothing definite is known; none yet today. More later.

FRANCIS

File No. 861.00/428

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, July 18, 1917, 6 p. m.

[Received July 23, 3.50 a. m.]

1528. Just had conference with Minister for Foreign Affairs whom trying to see since Monday morning. He states Government now in control of city through loyal troops. Drove through assemblage of about five hundred going to and returning from Foreign Office. Says army corps starting from front this evening for Petrograd. City under control of insurgent soldiers and workmen since evening of the 16th until this morning. And [street ?] fights last evening but fatalities few, casualties unknown. One engagement near Embassy resulted in defeat and complete rout of about one hundred Cossacks who attacked insurgents armed with machine guns, twenty or thirty horses killed but few men. Cossacks loyal and this experience prompts them to aggressive action. Proclamation of Provisional Government promulgated yesterday prohibiting assemblages on the streets totally ignored.

Minister of Foreign Affairs says four ministerial vacancies will not be filled until order entirely restored. Executive Committee of

absolute monarchy for thousand years. Russians are devoted to the land, naturally quick to comprehend and act. Masses are deficient in education, superstitious and inclined to [omission], but kind-hearted with good impulses and require guidance. Socialists making supreme effort to put their principles into operation, taking advantage of war leaders of extreme factions, are assisted by German money in abundance. Russian population comprises Caucasian, yellow and Semitic races as classified here and composed of seventy-four nationalities. Problem extremely difficult but not insoluble. Deplorable conditions mainly attributable to returned exiles, majority from America, Trotsky being most troublesome. Great need for discreet propaganda to influence Russian sentiment, restore army morale and correct erroneous impressions concerning America. Protest meeting Thursday was German propaganda; best speaker Shatov who said America dominated by capitalists and laborers more oppressed there than here; called President Wilson an emperor and free America a travesty. My sympathy with Russia deep, sincere and my conviction strong that the country will survive ordeal and be safe for democracy if we and other Allies are patient and helpful. It may cost some bloodshed; perhaps property losses by those who never earned their possessions but such on the other hand will owe nothing to such Russians as the Ambassador to Spain who deserted his country when his services most needed. These people realize that separate peace or German success spells loss of liberty gained by revolution which was precipitated by fear and suspicion on their part that deposed monarchy was planning separate peace under German influence.

Just learned that another protest meeting ^{Jewish} on Berkman case planned for Putilov ammunition works Sunday afternoon with same speakers. Unquestionably German propaganda.

FRANCIS

File No. 221.00/570

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, October 6, 1917, 6 p. m.

[Received October 7, 3.55 a. m.]

1842. Awaiting reply to my 1808, September 27, 11 p. m.¹ New Ministry will be announced to-day or to-morrow to which opposition unlikely, after which Allied Ambassadors will present to the Government joint note of the character outlined. They will act jointly October 9, without me unless I am authorized to unite therein.

FRANCIS

¹Ante, p. 196.

File No. 261.00/1070

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, February 9, 1918, 11 p. m.

[Received February 10, 2.23 a. m.]

3177. Your No. 3118 [3154], February 7. I have just been informed by the Foreign Office that the report to which you refer is entirely correct. It was explained that the British Government having received a representative of the Bolshevik government, there was nothing else to do for the French Government but to adopt a similar course. It has therefore visaed the passport of Kamenov, proceeding to Paris via England in the capacity of Envoy Extraordinary and Plenipotentiary at Large. I have been informed that it is also (true that ?) Zalkind has been appointed in the same capacity to Switzerland. I am told that the latter is the brother-in-law of Trotsky and has been his assistant secretary.

The Foreign Office informs me that until recently a representative of the Bolshevik government by the name Holzmann was here in Paris about ten days in a diplomatic capacity for his government, but that every minute he was closely watched by the police and his person even searched. I was told that in all probability the new representative will also be kept under surveillance.

Kerensky's files at last reveal

SHARP

File No. 262.20261/53

The Red plot financed

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

by Jew bankers

PETROGRAD, February 9, 12 p. m., to February 13, 1918, 1 a. m.¹

[Received February 13, 8.22 a. m., to February 16, 7.55 a. m.]

2354. Following prepared by Sisson and myself from documents we have seen whose authenticity I do not doubt and the originals of which we are endeavoring to procure. USA - German - Jews

The following documentary evidence, tending to prove Lenin and Trotsky and other Bolshevik leaders in German pay and that disruption of Russia is but one move in plan of Germany to sow disorganization in Entente countries, reached me from widely different sources. I am expecting further evidence from the same sources but send incomplete data now available hoping that Washington may at once add its resources to the search for correlated evidence to prove or disprove accusation. All documents, except letter signed Yoffe [Joffe], ^{Joffe} are said to be from the files of "Kontrrazvedka," Government secret service organized under Kerensky. If so, un-

¹In five sections.

Kerensky their agent Exhibit 251
 avoidable question arises why K. did not use evidence against Bolsheviki last July. German agents within his Government may have prevented. The letter signed by Y. is from Brest Litovsk dossier at the Smolny Institute directly from a person known to have access thereto. Photograph of letter has been shown to me. Neither originals nor photographs of other documents are in our possession but are in Petrograd and have been seen by an American although without opportunity for painstaking scrutiny. Scheidemann communication document No. 11 is a letter, others on telegraph forms. Putported originals may be in our possession shortly but they themselves would not be necessarily proof of authenticity, such proof is more likely to be found in corroborative evidence in the possession of Department of Justice or Allied secret services. The British known to be working on part of the material. Many clues lead to Stockholm and Copenhagen, impossible to follow them from here. I suggest intensive effort to complete case but advise against immediate publication unless necessary to counteract Bolshevik propaganda in the Entente countries. Its publication would be regarded here as calumnies of foreign capitalists and would have little effect beyond inciting to reprisals.

The contents of translated documents follow:

1914 ✓

DOCUMENT NO. 1

Plot set up before World War I

Circular 18 February 1914, Ministry, to all groups of German banks and, by agreement with the Austro-Hungarian Government, the Österreichische-Kreditanstalt:

The management of all German banks which are transacting business abroad and by agreement with the Austro-Hungarian Government the Österreichische-Kreditanstalt Bank are hereby advised that the Imperial Government has deemed it to be of extreme necessity to ask the management of all institutions of credit to establish with all possible dispatch agencies in Luleå, Haparanda and Vardö on the frontier of Finland, and in Bergen and Amsterdam. The establishment of the agencies for a more effective observation of the financial interests of [German] shareholders of Russian, French and English concerns may become a necessity under certain circumstances, which would alter the situation of the industrial and financial market.

Moreover, the managements of banking institutions are urged emphatically to make provisions for very close and absolutely secret relations being established with Finnish and American banks. In this direction the Ministry begs to recommend the Swedish Nya Banken in Stockholm; the banking office of Fürstenberg; the commercial company Waldemar Hansen, in Copenhagen, as concerns which are maintaining relations with Russia.

Funneling funds to Russ. Reds (Signature) N3737
 (Apparently division for "foreign country operations")

Note: This is outline of basic financial structure begun February 1914, five months before war was launched and still in operation;

As per previous arrangement of Feb. 1914
 notice reappearance in subsequent Lenin messages, towns Luleå and Vardö, likewise reference to American banks. Olof Aschberg, one of the heads of the Nya Banken, came to Petrograd month ago and boasted that N. B. was the Bolsheviki bank. He was overheard by one of our own group. He secured from Smolny permit export several hundred thousand gallons oil. Opening at Hotel Europe headquarters, where both Mirbach and Kaiserling of the German Commission have been entertained, he negotiated with the State Bank February 1 last, contract for buying cash rubles and establishing foreign credit for Russian Government and is opening others with the John MacGregor Grant Co., exporting concern, which it finances in Sweden and which is financed in America by the Guarantee Trust Co. We have no information reflecting on last mentioned company. Fürstenberg is now at Smolny under the name of Ganetski, is one of inner group and is likely soon to be placed in charge State Bank. Aschberg now in Stockholm but returning. The material in this and other comments is independent of the documents and accurate on fact statements.

DOCUMENT NO. 2

Circular June 9 [November 2?], 1914. [From the] General Staff to all military attachés in the countries adjacent to Russia, France, Italy, and Norway.

In all branches of German banks [in] Sweden, Norway, Switzerland and the United States special war credits have been opened for the subsidiary war requirements. The General Staff is authorizing you to avail yourself in unlimited amounts of these credits for the destruction of the enemy's factories, plants and the most important military and civil structures. Simultaneously with the investigation [instigation] of strikes it is necessary to make provisions for the damaging of motors, of mechanisms, with the destruction of vessels, setting incendiary fires to stocks of raw materials and finished products, deprivation of large towns of their electric energy, stocks of fuel and provisions. Special agents detailed, which shall be at your disposal, will deliver to you explosive and incendiary devices and a list of such persons in the country under your observation who will assume the duty of agents of destruction.

General Army Council

Director of War

Note: Observe that this is dated six weeks before the rest of the world knew it was to be warred upon and even then making exact plans for a campaign of incited strikes and incendiary fires in the industrial plants and the yet uncreated munition plants in the United States.

DOCUMENT NO. 3

Exhibit 252

Circular November 2, 1914, from the Imperial Bank to the representatives of the Nya Banken and the agents of the Diskonto-Gesellschaft and of the Deutsche Bank.

Warburg influence

Exhibit 253

At the present time there have been concluded conversations between the authorized agents of the Imperial Bank and the Russian revolutionaries, Messrs. Menzlinov and Lunacharski. Both the mentioned persons addressed themselves to several financial men who, for their part, addressed themselves to our representatives. We are ready to support the agitation and propaganda projected by them in Russia on the absolute condition that the agitation and propaganda (carried on ?) by the above-mentioned Messrs. Z. and L. will touch the active armies at the front. In case the agents of the Imperial Bank should address themselves to your banks we beg you to open them the necessary credit which will be covered completely as soon as you make demand on Berlin.

Warburg lines up German banks

Addition as part of document:

Z. and L. got in touch with Imperial Bank of Germany through the bankers (D ?) Rubenstein, Max Warburg and Parvus. *277 Jews*

Note: L. is the present People's Commissioner of Education. Z. is not a Bolshevik, but a right Social Revolutionist and in the discard, whereabouts unknown. Parvus and Warburg both figure in the Lenin and Trotsky documents. P. is at Copenhagen. W. chiefly works from Stockholm. *Where O.S.A. had Jewish Amb. Ira Nelson Morris*

DOCUMENT NO. 4 from July, 1914 - 21

Circular February 23, 1915. Press division of the Ministry of Foreign Affairs to all Ambassadors, Ministers, and Consular Officers in neutral countries:

You are hereby advised that in the country to which you [are] now accredited special offices are established for the organization of propaganda in the countries of the coalition of powers which is in a state of belligerency with Germany. The propaganda will be connected with the stirring up of social unrest and strikes; of revolutionary outbreaks resulting from it; of separatism among the component parts of the state; practically civil war; and will also comprise agitation for disarmament and the discontinuation of the war butchery. You are requested to cooperate and to favor in every way the managers of said offices. These persons will present to you proper certificate.

BALTIC

Note: Here is the exact German *Jewish* formula for the incitement to war "from the rear": strikes, efforts towards revolution, the use of humanitarian appeals to weaken arm of its forces.

DOCUMENT NO. 5

From president of Kirdorf's Rhenish Westphalian Industrial Syndicate to the central office of Nya Banken in Stockholm. To Svenson Baltzer, representative of Diskonto Gesellschaft in Stockholm, and to Mr. Kirch, representative of Deutsche Bank in Switzerland.

The Rhenish Westphalian Industrial Coal Syndicate charges you with the management of the account of which you have been apprised for the support of Russian emigrants desirous of conducting propaganda amongst Russian prisoners of war and the Russian Army.

KIRCH

Note that this document already figures in the [omission] several governments having been intercepted in the correspondence of Prince

Exhibit 254

von Bülow. It has new and direct pertinency to the Lenin-Trotsky data which follow herewith.

DOCUMENT NO. 6

Lenin gets funds in June

COPENHAGEN, June 18, 1917.

MR. RUTNER,

HELSINGFORS.

DEAR SIR: Please be advised that from the Diskonto Gesellschaft account, 815,000 marks have been transferred to Mr. Lenin's account in Kronstadt as per order of syndicate. Kindly acknowledge receipt [at Nilsen & Co. (Nyland & Co.)], 88, Copenhagen, W. Hansen & Co.

SVENSK

Note: Kronstadt, the navy base, was the nerve center from which L.'s activities radiated during the summer, both before and after he fled from Petrograd. He was not always there but it was Bolshevik domain. Sailors were, and still are, his first dependence. Hansen & Co. are named in document 1.

DOCUMENT NO. 7

STOCKHOLM, September 8, 1917.

MR. FARSEN,

KRONSTADT (via Helsingfors).

more Lenin funds

Carried out your commission: passports and the indicated sum of 207,000 marks as per order of your Mr. Lenin have been handed to persons mentioned in your letter. The selection met with approval of his excellency the ambassador. Confirm the arrival of said persons and separate receipt of your counter receipts.

SVENSK

Note: Ambassador is probably Von Lucius, a complimentary reference.

DOCUMENT NO. 8

KONTERAZVEDKA, GENEVA, June 16, 1917.

MR. FÜRSTENBERG,

STOCKHOLM.

Please note that at the request of Mr. (Julius?) Franco 32,000 have been paid for the publication of Maximalist socialist pamphlets. Advise by telegram addressed to Decker of the receipt of the consignment of pamphlets, number of bill of lading and date of arrival.

(Maximalist means Bolshevik) KREIK, DEUTSCHE BANK

Note: Fürstenberg is named in document 1 and is Ganetski in St. Petersburg.

DOCUMENT NO. 9

MR. RAPHAEL SCHOLNICKAN,

HAPARANDA.

Warburg - Trotsky

Dear Comrade: The office of the banking house M. Warburg has opened in accordance with telegram from the Rhenish Westphalian Syndicate, on account for the undertaking of Comrade Trotsky. The attorney (?) purchased arms and has organized their transportation and delivery to the Central and Soviet

Exhibit 255

the office of Essen & Son in the name Luleå receivers and a person authorized to receive the money demanded by Comrade Trotsky.

CONTINUED

J. FÜRSTENBERG

Note: This is the first reference to Trotsky. It connects him with banker Warburg and with Fürstenberg. Luleå is a Swedish town near Haparanda.

Kuhn-Lueb-Warburg ring
Mr. ANTONOV, and their agents
HAPARANDA.

DOCUMENT NO. 10

LULEÅ, October 2, 1917.

Comrade Trotsky's request has been carried out. From the account of the syndicate and the Ministry (probably Ministry of Foreign Affairs in Berlin, press division) 400,000 kroner have been taken and remitted to Comrade Sonia who will call on you with this letter and will hand you the said sum of money.

J. FÜRSTENBERG

Note: Antonov is the chief military leader of the Bolsheviki. He was in command of forces that took St. Petersburg. He is now in field against Kaledin and Alexeev. At the date of this letter Trotsky was already at the head of Petrograd Soviet and the Bolshevik revolution was only a month away.

DOCUMENT NO. 11

BERLIN, August 25, 1917.

MR. OLBERG.

Your desire for [omission] together with the intention of the party. By agreement with the persons known to you 150,000 kroner are transferred to be at your disposal at Fürstenberg's office through Nya Banken. Kindly advise *Vorwärts* about everything that is being written by the newspaper about present events.

SCHEIDEMANN

Note: This letter from Scheidemann, the German socialist leader, links him with Fürstenberg-Ganetski, with the Nya Banken and with subsidizing the Russian revolution. Trotsky published a newspaper during the summer. Another newspaper spoke for Lenin. *Vorwärts* would seem to refer to the socialist organ at Berlin. Scheidemann's rôles both as German peace propagandist and as strike queller in Germany are illumined by this letter.

DOCUMENT NO. 12

BERLIN, July 14, 1917.

MR. MR.

STOCKHOLM.

We are transferring to your name through Mr. I. Ruchver, examining magistrate, 180,000 marks for the expense your journey to Finland; the balance will be at your disposal for agitation against England and France. The letters of (Malyanik?) and Steklov which were sent were received and will be signed [considered].

PARVUS

Exhibit 256

cans mentioned my No. 9 of the 25th. Will return Stockholm October 1. Norwegian Chargé d'Affaires, Petrograd, also here, having left Petrograd 25th. He reports that special messenger has been sent to Tsaritsyn to bring Vice Consuls Burri and Leonard to Moscow and that Chicherin has given written order for their departure from Russia. Chicherin also promises that Paul Anderson will be released and permitted to depart. I am telegraphing Wardwell of the Red Cross to hasten in every way his and Andrews's leaving.

Norwegian Chargé d'Affaires reports conditions unchanged at Petrograd on the day of the departure, wholesale arrests continuing.

POOLE

File No. 861.00/3029

The Chargé in Great Britain (Laughlin) to the Secretary of State

No. 10008

LONDON, October 5, 1918.

[Received October 23.]

SIR: With reference to the Department's telegraphic instruction No. 1581 of September 24, 1918, and to my telegrams No. 2452 of October 3, 4 p. m.,¹ and No. 2493 of October 4, 5 p. m.,¹ in regard to a report by the Netherland Minister, relating to conditions in Petrograd, I have the honor to transmit herewith, for the information of the Department, a copy of the note, dated October 1, 1918, together with a copy of the report enclosed therein, which was received from the Foreign Office in response to the representations of the Embassy in this connection, and upon which my telegrams referred to above were based.

I have [etc.]

The suppressed Report of
M. Oudendyke
Netherlands Minister
For the Chargé d'Affaires:
EDWARD BELL

The British Secretary of State for Foreign Affairs (Balfour) to the American Ambassador (Page)

No. 162839/W/38

The Secretary of State for Foreign Affairs presents his compliments to his excellency the United States Ambassador and, with reference to his note No. 1261 of the 25th September,¹ has the honour to transmit, herewith, for his excellency's confidential information, a copy of the report by the Netherlands Minister, relating to conditions in Petrograd, which was received through His Majesty's Minister at Christiania.

Mr. Balfour trusts that his excellency will agree with him in considering that it is undesirable that any of the information contained in the report should be made public until the Allied subjects and citizens now in the power of the Bolsheviks have left the country.

Section on Jews
London, October 1, 1918. afterwards deleted in

England

¹ Not printed.

[Subenclosure]

Exhibit 257

Report of the Netherland Minister relating to conditions in Petrograd

On August 30 I left for Moscow largely in connection with negotiations for evacuation of British subjects from Russia. The same day Uritski, commissary at Petrograd for combatting counter-revolution, was assassinated by a Jewish student Kaneglesser, whose father is a wealthy (? engineer) and holds a very good position at Petrograd. This murder was at once attributed by the Bolshevik authorities and Bolshevik press (only existing press in Russia) to French and English.

That same night Consul Woodhouse and Engineer Commander Le Page were arrested at 1 a. m. in the street. Every effort was made the next day (August 31) by my secretary Mr. van Niftrik to obtain their release and that of Consul Woodhouse was promised for the afternoon.

At 5 p. m. on August 31 when Consul Bosanquet and Acting Vice Consul Kimens who had been busy the whole day with Mr. van Niftrik in connection with his attempt to obtain release of the arrested were heading to the Embassy and were near the Embassy building, they were warned not to approach the Embassy, told that it had been occupied by Red Guards and that two persons had been killed. They at once decided to head back to find Mr. van Niftrik and asked him to endeavour to secure entry into the Embassy. While driving slowly away from Embassy their car was stopped by Red Guards in another car, one of whom levelled a revolver at them and told them to hold up their hands. They were searched and had to give their names and rank, but to their great surprise were allowed to proceed. Mr. van Niftrik drove with them to Gorokhovaya 2, headquarters of the Commission for Combatting Counter-Revolution, to which persons arrested are usually taken and where Mr. Woodhouse was confined. He had a long interview with the commandant of Petrograd, Bill Shatov, and strongly protested against the unheard-of breach of international law which had taken place, and demanded to be allowed to drive immediately to Embassy to be present at search there. Permission was refused by Shatov, who said that Embassy was being searched because authorities had documents proving conclusively that British Government was implicated in Uritski's murder. When they had left Fumi . . . and their car was passing the Winter Palace, staff of British Consulate and of missions and some civilians who were at Embassy when it was invaded were seen walking under guard to No. 2 Gorokhovaya.

A meeting of neutral Diplomatic Corps was held that night upon initiative of Mr. van Niftrik, at which following points were submitted:

- (1) That immediate release of those arrested should be demanded;
- (2) That it should be insisted upon that Mr. van Niftrik should be present at examination of arrested;
- (3) That attention should be drawn to gross breach of international law committed by armed occupation of Embassy which bore on the door a signed and sealed notice to the effect that it was under the protection of Netherland Legation and by refusal to allow Mr. van Niftrik to be present at the search.

The meeting drew up a protest to be presented to Soviet authorities at Moscow.

On September 1 particulars were learnt as to the violation of Embassy and details will be found in a statement herewith enclosed made by Mrs. Bucknall, wife of Lieutenant Bucknall, now under arrest. Mrs. Bucknall was at the Embassy at the time of its invasion. The Red Guards under the direction of several commissaries had made their way into the Embassy at 5 p. m. and behaved with the greatest brutality. Captain Cromie who had tried to bar

Exhibit 258

Lenin is of course attributed by Bolsheviks to British and French and if he should die it is quite possible that all now under arrest at Moscow and Petrograd would be shot.

At Moscow I had repeated interviews with Chicherin and Karakhan. I consider Chicherin beneath contempt and can only apply to him term "reptile." I was able to show pretty clearly what opinion I held of him. Whole Soviet government has sunk to the level of a criminal organisation. Bolsheviks realise that their game is up and have entered on a career of criminal madness. I repeatedly told Chicherin with all the energy of which I am capable that he must realise full well that Bolshevik government was not a match for England. England had a longer wind than the Soviets. She would not be intimidated; even if hundreds of British subjects should be executed by order of the Bolsheviks England would not turn one hair's breadth from her purpose. Moment would come when the Soviet authorities, man by man, would have to pay for all the acts of terrorism which they committed. But in spite of persistence with which I drove those facts home, I could not obtain any definite promises from Chicherin but only a few evasive replies and some lies. Bolsheviks have burnt their boats and are now ready for any wickedness.

As regards original objects of my journey to Moscow, evacuation of British from Russia, I found it necessary to promise that Litvinov should be allowed to leave England at once provided that in exchange for this concession all British subjects in Russia including consular staffs and missions were allowed to leave the country. This was agreed to so far as consulates and civilians were concerned including those now under arrest at Petrograd but an exception was made with regard to members of military and naval missions who would be released only on arrival of Russian Red Cross delegates in France for the purpose of repatriation of Russian soldiers. Result of negotiations was reported by telegraph to His Majesty's Minister at Stockholm through intermediary of Swedish Consul General at Moscow for communication to British Government.

As regards invasion of British Embassy at Petrograd I had occasion to present to Chicherin and Karakhan, in addition to my protest and demands for repatriation, embodied in my note to Chicherin of September 2, joint protest drawn up by neutral diplomatic representatives at Petrograd (see above) which I also signed, demanding release of all those arrested at Embassy and that Embassy should be handed over to me and stating that Soviet government would be held responsible in every respect for consequences of this breach of international law which was quite unique in history. This I reported to my Government, at The Hague, through the intermediary of Chicherin for transmission to British Legation there though I cannot affirm that telegram was sent. Chicherin wished to evade question of release of persons arrested at Embassy and only agreed to demand for Embassy to be handed over to me, but I told him plainly that it must be all or nothing, and that I would not consent to half measures of this kind. I have further demanded that all documents seized at the Embassy shall be delivered to me.

The foregoing report will indicate the extremely critical nature of the present situation. The danger is now so great that I feel it my duty to call the attention of the British and all other Governments to the fact that if an end is not put to Bolshevism in Russia at once the civilisation of the whole world will be threatened. This is not an exaggeration but a sober matter of fact; and the most unusual action of German and Austrian Consuls General before referred to, in joining in protest of neutral legations appears to indicate that the danger is also being realised in German and Austrian quarters. I consider that the immediate suppression of Bolshevism is the greatest issue now before the world, not even excluding the war which is still raging, and unless we

British Deleted portion on Jews

above stated Bolshevism is nipped in the bud immediately it is bound to spread in one form or another over Europe and the whole world as it is organized and worked by Jews who have no nationality, and whose one object is to destroy for their own ends the existing order of things. The only manner in which this danger could be averted would be collective action on the part of all powers.

I am also of opinion that no support whatever should be given to any other socialistic party in Russia, least of all to Social Revolutionaries, whose policy it is at the moment to overthrow the Bolsheviks, but whose aims in reality are the same, viz., to establish proletarian rule through the world. Social Revolutionaries will never fight any foreign power and any profession which they may now make in this sense is merely a tactical move in their struggle with the Bolsheviks.

I would be that this report may be telegraphed as soon as possible in cypher in full to the British Foreign Office in view of its importance.

Consul Bosanquet and Acting Vice Consul Kimeus are staying at this Legation but it is essential that this fact should not be known to any one.

File No. 861.00/2900

The Chargé in Norway (Schoenfeld) to the Secretary of State

[Telegram]

CHRISTIANIA, October 7, 1918, noon.

[Received 10 p. m.]

1216. *Note verbale* from the Foreign Office dated October 4 states that a telegram from Norwegian Legation, Petrograd, under date of October 3 reports that the British and French citizens who had sought asylum in the American Consulate General, Moscow, had left and that Norwegian extraterritoriality had not been violated.

SCHOENFELD

File No. 861.00/2934

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, October 12, 1918, 1 p. m.

[Received 9.56 a. m.]

2737. Following from Stockholm:

219, October 11, 1 p. m. Webster¹ arrived yesterday with 7 Americans, 31 British, 20 French, including Lockhart, Ward, Robin P. Laverne and consular and military staffs from Moscow. Forty-five British and 5 French still in fortress Petrograd. Wardwell and Andrews hope to come out shortly by boat. Everything all right at Embassy. Rumor Kalamatiano shot in Moscow. Seventeen more Americans arrive to-day. Whitehouse.

Archangel notified.

LAUGHLIN

¹ Capt. William B. Webster, member of the American Red Cross Commission to Russia.

Government is not prepared to enter into formal engagement with Soviet government which it does not recognize, nor is it now in position to give effective military support. There is however no objection to military attaché's lending such assistance as you deem in accord with spirit of the Department's instructions to you.

LANSING

File No. 861.00, 1737

The Consul General at Moscow (Summers) to the Secretary of State

[Telegram]

Moscow, May 2, 1918, 3 p. m.

[Received May 7, 9.18 a. m.]

460. With reference to Department's No. 1531¹ to Embassy. Consulate General is maintaining observers along line of German advance.

First two reports received relate to condition at and near Vitebsk, Vyazma, and Bryansk. At Vitebsk food shortage. Jews predominant in local Soviet government, anti-Jewish feeling growing among population which tends to regard oncoming Germans as deliverers. No goods arriving from Germany. Small speculators are getting some goods especially investments [provisions] in small [lots] and warehouses are empty. Trains run about twenty miles beyond Vitebsk whence break as far as Polotsk which is held by Germans. According to persons coming from occupied territory food is cheaper there due strict food control by Germans who register all domestic animals, etc. Germans are persisting seizing working population and sending them for enforced labor to unknown destinations believed not to be in Germany. At Vyazma food conditions worse than at Vitebsk. In country only barley, oats, and flax planting so far owing seed shortage. Total planted indicates 50 per cent of last year at best. In occupied territory Germans reported to be furnishing some seed on proviso two-thirds crop for German Government.

At Bryansk practically no commercial freight movement though some potatoes and flour seen moving toward Smolensk. German, Ukraine troops closing in actively on Bryansk which is Red Army staff headquarters but Red Army lacking in discipline and morale, flees before enemy without fighting and plunders local population which is prepared welcome Germans as deliverers hoping that they will later be rid of them through terms of general peace. Government and railroad property being evacuated to Bryansk from Smolensk and Vitebsk but Bryansk will soon fall as its evacuation impossible owing shortage of engines.

¹ Probably telegram No. 1931, Dec. 24, 1917, ante, p. 324.

in every city I have resided in are simply robbing, murdering, and burning. Practically every business is ruined. Seventy-five per cent of all shops closed. Private banks seized and funds confiscated. Courts of justice abolished and public-school education reduced to minimum. Foreign commerce nationalized. Landed property both large and small seized and divided. Factories nationalized and workmen paid for doing nothing. Currency system reduced to printing unlimited quantities of worthless paper. Not content with ruining Russia in a disgraceful treaty with Germany Bolsheviks are now permitting Germany, wherever possible, to buy up all raw materials and foodstuffs for shipment to Germany while Russians starve. Fifty per cent of Soviet government in each town consists of Jews of worst type, many of whom are anarchists.

It would be grave mistake on our part to officially recognize Bolsheviks who scarcely represent 8 per cent of Russian population and in many places, as Irkutsk for example, depend upon armed prisoners of war to keep them in power. I recommend intervention on part of Allies in such a way as to enable the real people of Russia to rally to Ally standard and fight the common enemy. Best element in Russia will never rally to Bolsheviks even if they should declare war on Germany. The great mass of Russian people prefer even German tyranny to Bolshevik terrorism. I suggest careful consideration of Allied intervention even with Japanese assistance along with American, French, English and Chinese troops, making it perfectly clear to Russian people that there will be no occupation of Russian territory but that such action is solely to assist them in again renewing the struggle with Germany. Am certain Russian people would accept such statement in good faith and not object to Japanese. There are at present 70,000 armed Czechs between Penza and Vladivostok, an army which may be utilized as a nucleus, and many anti-Bolsheviks are now rallying to the Czechs in order to overthrow Bolsheviks. If we can induce Russia to again declare war upon Germany the moral effect upon German people would be as discouraging as if a great battle were lost in France.

As soon as a new government is firmly established after overthrow of Bolsheviks in Siberia and Russia we should recognize and assist it by every means in our power so that a new battle line may again be drawn up against Germany. The effect of such Russian action upon Austria and Turkey would be incalculable. In this connection I recommend that Czechs remain for the present in Siberia and that a joint Allied intervention be immediately considered. A German advance might result in occupation of Moscow and Petrograd but such action would also give Germany a starving

THE UNIVERSAL JEWISH ENCYCLOPEDIA

IN TEN VOLUMES

An Authoritative and Popular Presentation of
Jews and Judaism Since the Earliest Times

EDITED BY

ISAAC LANDMAN

Rabbi of Congregation Beth Elohim, Brooklyn, New York
Founder and Director of the Academy for Adult Jewish Education

In Collaboration with the Following

BOARD OF EDITORS:

EXECUTIVE AND LITERARY EDITOR

LOUIS RITTENBERG, American Editor, *London Jewish Chronicle*; formerly Editor, *The American Hebrew*

AMERICANA: A. S. W. ROSENBERG, President, American Jewish Historical Society

ANGLO-JUDAICA: PAUL GOODMAN, Historian and Author, London

ARCHAEOLOGY: WILLIAM F. ALBRIGHT, Professor, Semitic Languages, Johns Hopkins

ART: CLIFTON HARRY LEVY, Rabbi, Author and Journalist

BIBLE: JULIAN MORGENSTERN, President and Professor of Bible and Semitic Languages, Hebrew Union College

ETHICS: LOUIS L. MANN, Rabbi of Temple Sinai, Chicago; Lecturer, Oriental Languages and Literature, University of Chicago

HISTORY: ISMAEL ELBOGAN, Research Professor, Jewish Theological Seminary, Hebrew Union College, Jewish Institute of Religion, and Dropsie College

ABRAHAM A. NEUMAN, President and Professor of History, Dropsie College

JEWISH LITERATURE: JOSHUA BLOCH, Chief, Jewish Division, N. Y. Public Library

LITURGY: SOLOMON B. FREEHOF, Rabbi of Congregation Rodef 'Shalom, Pittsburgh; formerly Professor of Liturgy, Hebrew Union College

PHILOSOPHY: LEO STRAUSS, Associate Professor, Political Science, Graduate Faculty of Political and Social Science, New School for Social Research

RABBINICS: LOUIS FINKELSTEIN, President and Professor of Theology, Jewish Theological Seminary of America

SOCIAL INSTITUTIONS: MAURICE J. KARPFF, Formerly President, Faculty, and Professor, Social Technology, Graduate School for Social Work, New York; Executive Director, Federation of Jewish Welfare Organizations and Jewish Community Council, Los Angeles

THEOLOGY: SAMUEL S. COHON, Professor of Theology, Hebrew Union College

REVISION EDITOR: ABRAHAM SHINEDLING, Rabbi, Linguist and Reviewer

DIRECTOR OF RESEARCH

SIMON COHEN, D.D., Former Instructor at the Hebrew Union College School for Teachers

★

VOLUME 8

THE UNIVERSAL JEWISH ENCYCLOPEDIA, INC., NEW YORK

Jewish Encyclopedia

A DESCRIPTIVE RECORD OF

THE HISTORY, RELIGION, LITERATURE, AND CUSTOMS OF THE JEWISH PEOPLE FROM THE EARLIEST TIMES TO THE PRESENT DAY

Prepared by More than Four Hundred Scholars and Specialists

UNDER THE DIRECTION OF THE FOLLOWING EDITORIAL BOARD

| | |
|---|--|
| CYRUS ADLER, PH.D. (<i>Departments of Post-Biblical Antiquities; the Jews of America</i>). | JOSEPH JACOBS, B.A. (<i>Departments of the Jews of England and Anthropology; Revising Editor</i>). |
| WILHELM BACHER, PH.D. (<i>Departments of the Talmud and Rabbinical Literature</i>). | KAUFMANN KOHLER, PH.D. (<i>Departments of Theology and Philosophy</i>). |
| GOTTHARD DEUTSCH, PH.D. (<i>Department of History from 1492 to 1905</i>). | HERMAN ROSENTHAL (<i>Department of the Jews of Russia and Poland</i>). |
| RICHARD GOTTHEIL, PH.D. (<i>Departments of History from Ezra to 1492; History of Post-Talmudic Literature</i>). | ISIDORE SINGER, PH.D. (<i>Department of Modern Biography from 1750 to 1905</i>). |
| EMIL G. HIRSCH, PH.D., LL.D. (<i>Department of the Bible</i>). | CRAWFORD H. TOY, D.D., LL.D. (<i>Departments of Hebrew Philology and Hellenistic Literature</i>). |

ISAAC K. FUNK, D.D., LL.D.
Chairman of the Board

FRANK H. VIZETELLY, F.S.A.
Secretary of the Board

WILLIAM POPPER, M.A., PH.D.

Associate Revising Editor; Chief of the Bureau of Translation

ISIDORE SINGER, PH.D.
Professor and Managing Editor

ASSISTED BY AMERICAN AND FOREIGN BOARDS OF CONSULTING EDITORS

VOLUME X

PHILIPSON—SAMOSCZ

NEW YORK AND LONDON.

FUNK AND WAGNALLS COMPANY

MDCCCVC

Exh. 266 continued

the destruction of the Temple, no less than twenty-four kinds of minim (Yer. Sanh. x. 5). Thus the min who (the Midrash states) derided

Various Alexander the Great for rising before the Jewish high priest Simon the Just **Applica-** tions of the (Lev. R. xiii.) was undoubtedly a Samaritan. The minim referred to in

Berakot ix., on whose account the custom was established of closing the benedictions with the words "from eternity to eternity" in order to emphasize the existence of more than one world, were undoubtedly Sadducees, who, as known, denied the existence of another world. In passages referring to the Christian period, "minim" usually indicates the Judæo-Christians, the Gnostics, and the Nazarenes, who often conversed with the Rabbis on the unity of God, creation, resurrection, and similar subjects (comp. Sanh. 39b). In some passages, indeed, it is used even for "Christian"; but it is possible that in such cases it is a substitution for the word "Nozeri," which was the usual term for "Christian."

LIES ✓

During the first century of Christianity the Rabbis lived on friendly terms with the minim. Rabbi Eliczer, who denied to the heathen a share in the future life, is said to have discoursed with the Judæo-Christian Jacob of Kefar Sekanya and to have quietly listened to the interpretation of a Biblical verse he had received from Jesus ('Ab. Zarah 16b; Eccl. R. i. 8). Ben Dama, a nephew of R. Ishmael, having been bitten by a snake, allowed himself to be cured by means of an exorcism uttered

by the min Jacob, a Judæo-Christian. These friendly feelings, however, gradually gave way to violent hatred, as the minim separated themselves from all connection with the Jews and propagated writings which the Rabbis considered more dangerous to the unity of Judaism than those of the pagans. "The writings of the minim," says R. Tarfon, "deserve to be burned, even though the holy name of God occurs therein, for paganism is less dangerous than minim"; the former fails to recognize the truth of Judaism from want of knowledge, but the latter denies what it fully knows" (Shab. 116a). See *Exh. 177-8, 187*

(On the invitation of Gamabiel II., Samuel ha-Katan composed a prayer against the minim, which was inserted in the "Eighteen Benedictions"; it is called "Birkat ha-Minim" and forms

Prayer the twelfth benediction; but instead **Against** of the original "Nozerim" (= "Nazarenes"; see Krauss in "J. Q. R." v. Minim.

See also Bloch, "Die Institution des Judenthums," i. 193) the present text has "we

in multiplied" (= "and in the multitude"). The cause of this change in the text was, probably, the accusation brought by the Church Fathers against the Jews of cursing all the Christians under the name of the Nazarenes. It was forbidden to partake of meat, bread, and wine with the min. Sabbath of the Law, tofillin, and mezuzot written by a min were burned (Gen. 45b; Yer. Shab. 14b; 'Ab. Zarah 40b). Sabbath work that they in 391 in Yomah De'ah. 281, 1. An animal slaughtered by a min was forbidden for food (Haf. 14a). The relatives of the min were not permitted to observe the laws of

mourning after his death, but were required to assume festive garments and rejoice (Sem. ii. 10; Yoreh De'ah, 345). The testimony of the min was not admitted in evidence in Jewish courts (Shulhan 'Aruk, Hoshen Mishpat, 34, 22); and an Israelite who found anything belonging to one who was a min was forbidden to return it to him (see Hoshen Mishpat, 266, 2).

According to Maimonides ("Yad," Teshubah, iii.) the term "min" is applied to five classes of heretics: to those who deny the existence of God and His providence; to those who believe in two or in more than two gods; to those who ascribe to God form and figure; to those who maintain that there existed before the creation of the world something besides God; and to those who worship stars, planets, or other things in order that these may act as intermediaries between them and the Master of the World. *** refers to Christians**

BIBLIOGRAPHY: Sachs, in *Orient. Lit.* ii. 825; Dreyfus, *ib.* iv. 204, vi. 620; Kirchheim, *ib.* v. 1; Jost, *Gesch. des Judenthums und Seiner Sekten*, i. 414; Grätz, *Gnosticismus und Judenthum*, Krotoschin, 1846, *passim*; M. Friedländer, *Der Vorchristliche Jüdische Gnosticismus*, Göttingen, 1868, *passim*; Bacher, in *R. E. J.* xxxviii. 38; Israel Levi, *ib.* xxxviii. 204; Schürer, in *Theologische Literaturzeitung*, 1899, No. 6; Goldfahn, in *Monatsschrift*, xix. 163; J. Derenbourg, in *R. E. J.* xiv. 30; Krauss, in *J. Q. R.* lx. 515.

J.

I. Br.

Gentiles Exhibit 268

ENCYCLOPEDIA

Page 619, Vol. V

Gentile

1. The Pharisees, interpreting the spirit of the Law, and acting under the elastic rule that "there is a time to serve the Lord by relaxing his law" (Ps. cxix. 126, Hebr.; Yoma 69a), permitted the desecration of the Sabbath in besieging a Gentile city "until it be subdued" (Deut. xx. 20), in accordance with Shammai's interpretation (Shab. 19a). This definition was not new, as already the Maccabeans had taken advantage of it in fighting the enemy unceasingly, putting aside the observance of the Sabbath for the sake of God and of their national existence (I Macc. ii. 43, 44). Probably for the same reason (to facilitate war with the Gentile enemy), the Rabbis modified the laws of purification so as not to

apply when one comes in contact with Rabbipical a corpse or human bones, or when one **Modifica-** enters an enclosure containing a dead tion of body. With regard to the text "This

Laws: is the law when a man dieth in a tent" (Num. xix. 14), they held that only Israelites are *men*, quoting the prophet, "Ye my flock, the flock of my pasture, are men" (Ezek. xxxiv. 31); Gentiles they classed not as men but as barbarians (B. M. 108b). The Talmudic maxim is,

"Whoever has no purification laws can not contaminate" (Naz. 61b). Another reason assigned is that it would have been utterly impossible otherwise to communicate with Gentiles especially in the post-biblic times (Schmoull, "Mevo ha-Talmud" p. 6, Wilna, 1894). Patriotism and a desire to regain a settlement in the Holy Land induced the Rabbis, in order not to delay the consummation of a transfer of property in Palestine from a Gentile to a Jew, to

permit the deed to be written on the Sabbath, an act otherwise prohibited (B. K. 80b).

2. The barbarian Gentiles, who could not be prevailed upon to observe law and order were not to be benefited by the Jewish civil laws, framed to regulate a stable and orderly society, and based on reciprocity. The passage in Moses' farewell address: "The Lord came from Sinai, and rose up from Seir unto them; he shined forth from Mount Paran" (Deut. xxxiii. 2), indicates that the Almighty offered the Torah to the Gentile nations also, but, since they refused to accept it, He withdrew His "shining" legal protection from them, and transferred their property rights to Israel, who observed His Law. A passage of Habakkuk is quoted as confirming this claim: "God came from Teman, and the Holy One from Mount Paran. . . . He stood, and measured the earth; he beheld, and drove asunder [גָּרַע] = "let loose," "outlawed"] the nations" (Hab. iii. 8-6); the Talmud adds that He had observed how the Gentile nations steadfastly refused to obey the seven moral Noachian precepts, and hence had decided to outlaw them (B. K. 38a).

It follows that the Gentiles were excepted from the general civil laws of Moses. For example, the Law provides that if a man's ox gores and kills a neighbor's ox, the carcass and the surviving ox shall be sold, and the proceeds divided between the respective owners (half-damages). If, however, the goring ox has been known to be dangerous and its owner has not kept watch over it, he shall pay full damages for the dead ox and take the carcass (Ex. xxi. 35-36, Hebr.). Here the Gentile is excepted, as he is not a "neighbor" in the sense of reciprocity and being responsible for damages caused by his negligence; nor does he keep watch over his cattle. Even the best Gentile laws were too crude to admit of reciprocity. The laws of Hammurabi provide: "If the ox has pushed a man, and by pushing has made known his vice, and the owner has not blunted his horn, has not shut up his ox, and that ox has gored a man of gentle birth and caused him to die, the owner shall pay half a mina of silver" (Johns, "Oldest Code of Laws," § 251, Edinburgh, 1903). This price of a half-mina of silver was also the fixed fine for cutting down a tree (*ib.* § 59). It appears that only a nominal sum was paid when a man not of gentle birth was killed, and even less when a neighbor's ox was gored. The Mishnah, bearing such facts in mind, therefore declares that if a Gentile sue an Israelite, the verdict is for the defendant; if the Israelite is the plaintiff, he obtains full damages (B. K. iv. 3). It should be noted that in these tort cases public or sacred property (חֲקָנִי) was also an exception, for the reason that both are wanting in individual responsibility and in proper care. The principle was that the public could not be fined since it could not collect in turn. The Gemara's reliance on the technical term "neighbor" (רֵעֵךְ) in the text as its justification for excluding both the Gentile and the public, is merely tentative. The Talmud relates in this connection that the Roman government once commissioned two officers to question the Rabbis and obtain information regarding the Jewish laws. After a careful study,

they said: "We have scrutinized your laws and found them just, save the clause relating to a Gentile's ox, which we can not comprehend. If, as you say, you are justified by the term 'neighbor,' the Gentile should be quit when defendant as well as when plaintiff." The Rabbis, however, feared to disclose the true reason for outlawing the Gentiles as barbarians, and rested on the textual technicality in the Mosaic law, in accordance with which they had authority to act in all cases coming within their jurisdiction (B. K. 38a).

The Mosaic law provides for the restoration of a lost article to its owner if a "brother" and "neighbor" (Deut. xii. 1-3), but not if a Gentile (B. K. 113b), not only because the latter would not reciprocate, but also because such restoration would be a hazardous undertaking. The laws of Hammurabi made certain acts connected with "articles lost and found" a ground of capital punishment. "If the owner of the lost property has not brought witnesses identifying his lost property; if he has lied, or has stirred up strife, he shall be put to death" (Johns, *l.c.* § 11). The loser, the finder, or an intermediate person was put to death in certain stages of the search for the missing article (*ib.* §§ 9-13). The Persian law commanded the surrender of all finds to the king (B. K. 28b). As an illustration of the Gentile law and of Jewish magnanimity, the following is related in the Talmud: "Queen Helen lost her jewelry, and R. Samuel, who had just arrived in Rome, found it. A proclamation was posted throughout the city offering a certain sum of money as a reward for the restoration of the jewels within thirty days. If restored after thirty days, the finder was to lose his head. Samuel waited and restored the jewels after thirty days. Said the queen: 'Hast thou not heard of the proclamation?' 'Yes,' answered Samuel, 'but I would show that I fear not thee. I fear only the Merciful.' Then she blessed the God of the Jews" (Yer. B. M. ii. 5).

Similarly, the mandate concerning the oppression of or withholding wages from a hireling brother or neighbor, or a domiciled alien (Deut. xxiv. 14-15) who observes the Noachian laws, is not applicable in the case of a Gentile. That is to say, a Gentile may be employed at reduced wages, which need not be paid promptly on the same day, but may be paid in accordance with the usual custom of the place. The question arose whether a Jew might share in the spoils gained by a Gentile through robbery. One Talmudic authority reasoned that the Gentile exerted himself to obtain the ill-gotten property much less than in earning his wages, to which the Mosaic law is not applicable; hence property seized by a Gentile, if otherwise unclaimed, is public property and may be used by any person. Another authority decided that a Jew might not profit by it (B. M. 111b).

R. Ashi decided that a Jew who sells a Gentile landed property bordering on the land of another Jew shall be excommunicated, not only

on the ground that the Gentile laws do not provide for neighbors' boundaries, but also because the Jewish neighbor may claim "thou hast caused a lion to lie on my border." The ban shall not be raised unless the seller stipulates to keep the

Ashi's on the ground that the Gentile laws

Decisions. do not provide for neighbors' boundaries, but also because the Jewish neighbor may claim "thou hast caused a lion to lie on my border." The ban shall not be raised unless the seller stipulates to keep the

The Jew is not against overreaching one sixth or more above the current price of marketable merchandise—a violation of which affected the validity of the sale—applied only to a Jew or domiciled alien, not to a Gentile. "If thou sell ought unto thy neighbor, or buyest ought of thy neighbor's hand, ye shall not oppress [overcharge] one another" (Hebr. = "his brother"; Lev. xxv. 14), was contrary to the Gentile legal maxim, "A bargain is a bargain." For this the Gentile was paid in his own coin, so to speak. Samuel declared legal a transaction in which an error has been made by miscalculation on the part of a Gentile. Following out his theory, Samuel was unscrupulous enough to purchase from a Gentile a gold bar for four zuz, which was the price of an iron bar; he even beat down the price one zuz. Such transactions, while regarded as perfectly proper and legitimate among the Gentiles, were not tolerated among the Jews themselves.

It sometimes happened that the Gentile, wishing to take advantage of the liberal Jewish laws, summoned his Jewish opponent to a Jewish court. In such cases the Gentile would gain little benefit, as he would be dealt with in accordance with the Jewish or the Gentile law, as might be least advantageous to him. The judge would say: "This is in accordance with our law" or "with your law," as the case might be. If this was not satisfactory to the Gentile, legal quibbles and circumventions might be employed against him.

Inasmuch as the Jews had their own distinct jurisdiction, it would have been unwise to reveal their laws to the Gentiles, for such knowledge might **Exh: 272** have operated against the Jews in their Gentiles opponents courts. Hence the Talmud **May Not** prohibited the teaching to a Gentile **Be Taught** of the Torah, "the inheritance of the the Torah. congregation of Jacob" (Deut. xxxiii.

4). R. Johanan says of one so teaching: "Such a person deserves death" (an idiom used to express indignation). "It is like placing an obstacle before the blind" (Sanh. 59a; Hag. 13a). And yet if a Gentile study the Law for the purpose of observing the moral laws of Noah, R. Meir says he is as good as a high priest, and quotes: "Ye shall therefore keep my statutes, and my judgments, which if a man do, he shall live in them" (Lev. xviii. 5). The text does not specify an Israelite or a Levite or a priest, but simply "a man"—even a Gentile ('Ab. Zarah 26a).

Resh Lakish (d. 278) said, "A Gentile observing the Sabbath deserves death" (Sanh. 55b). This refers to a Gentile who accepted the seven laws of the Noachide, inasmuch as "the Sabbath is a sign between God and Israel alone," and it was probably directed against the Christian Jews, who disregarded the Mosaic laws and yet at that time kept up the observance of the Jewish Sabbath. Rabbina, who lived about 150 years after the Christians had changed the day of rest to Sunday, could not quite understand the principle underlying Resh Lakish's law, and, commenting upon it, added: "not even on Mondays [is the Gentile allowed to rest]"; intimating that the mandate given to the Noachide that "day and night shall not cease" (Gen. viii. 22) = "have no rest") should be taken in a literal sense (Gen. viii. 22)—probably to discourage general idleness (*ib.* Rashi),

the Gentiles" is characteristic (Mek., Beshallah, ed. Weiss, p. 44b; Sifre, Deut. 343; Cant. R. 1. 3. v. 9, vi. 1). In another dialogue, Israel's monotheism is shown to be far superior to the ever-changing belief of the Gentiles (Mek., Yitro, x.). His contempt for the folly of idolatry as practised by the Romans is apparent in his conversation with Iulius, in which he compares the gods to dogs (Tan. Terumah, ed. Steintz, p. 130; comp. Grätz, "Gesch." iv. 447).

Among Akiba's disciples Tarphon is noted for his antipathy to the Judge-Christians, whose books he would burn without regard for the name of God occurring therein, preferring the temple of idolaters to them (Shab. 116a).

Jose the Galilean rebukes Israel for its inconstancy, which he contrasts with the fidelity shown by the Gentiles to their ancestral beliefs (Sifre, Deut. 87). The good done by Gentiles is rewarded (see Gen. xxiii. 5; Sifra, Abare Mot. 85b).

Judah ben Baba holds that by the customs of the heathen forbidden in Lev. xviii. 3 were meant the cosmetic arts (Sifra, 80a; see commentary of Abraham ben David *ad loc.*; comp. Tosef., Soṭah, xv. 9; Shab. 62b).

The warning against the practices of the heathen in Lev. xviii. 3 is interpreted by R. Meir (Sifra, 85b) to refer to the superstitions "of the Amorites" (enumerated in Shab. 67a; comp. Mishnah vi., last section). He would not permit Jews to visit the theaters (arenas) of the Gentiles, because blood is spilled and idols are worshiped there (Tosef., 'Ab. Zarah, ii. 5; 'Ab. Zarah 18b; Yer. Sanh. 40a; 'Ab. R. N. xxi.). Intolerant of idolatry ('Ab. Zarah i. 5, 8; ii. 2, 4; iii. 1; Blumenthal, "Rabbi Meir," pp. 82 *et seq.*), it was Meir who insisted that in Lev. xviii. 5 the word "man," not "priest," "Levite," or "Israelite," occurs, and thus claimed that a non-Jew versed in the Torah equals in rank the high priest (B. K. 38a; Sanh. 59a; Sifra, 86b, where II Sam. vii. 19 ["ba-adam"]; Isa. xxvi. 2, "goi zaddik"; Ps. xxxiii. 1, "zaddikim," and cxv. 4, "le-tobim," are similarly applied to Gentile and Jew alike). He was on a footing of intimacy with the Gentile philosopher Euonymos of Gadara (Grätz, l.c. iv. 460).

R. Meir.

In an anecdote, significant as indicating the freedom of intercourse between Jew and Gentile, Meir illustrates the cynic materialism of a rich heathen who, angry at the lack of a trifle at his banquet, which offered "whatever was created in six days," broke a rich plate; pleading that, as the world to come was for Israel, he had to look to this world for his pleasures (Pesik. 505; Num. R. xxi.). Meir has a conversation with a "hegemon," who expresses his contempt of Israel, calling the Israelites slaves; whereupon Meir shows that Israel is a wayward son, always finding, if ready to repent, the father's house open (Jellinek, "B. H." i. 21). This anecdote, also, is significant as showing the sentiments of the Gentiles toward the Jews.

Simon ben Yohai is preeminently the anti-Gentile teacher. In a collection of three sayings of his, beginning with the key-word 512 (Yer. Kid. 66c; Massek. Soferim xv. 10; Mek., Beshallah, 27a; Tan., Wayera, ed. Buber, 20), is found the expression, often quoted by anti-Semites, "Tob shebe-goyyim harog" (= "The best among the Gentiles deserves to be killed"). This utterance has been felt by Jews to be due to an exaggerated antipathy on the part of a fanatic whose life experiences may furnish an explanation for his animosity; hence in the various versions the reading has been altered, "The best among the Egyptians" being generally substituted. In the connection in which it stands, the import of this observation is similar to that of the two others: "The most pious woman is addicted to sorcery"; "The best of snakes ought to have its head crushed" (comp. the saying, "Scratch a Russian and you will find a Tartar").

On the basis of Hab. iii. 6, Simon b. Yohai argued that, of all the nations, Israel alone was worthy to receive the Law (Lev. R. xiii.). The Gentiles, according to him, would not observe the seven laws given to the Noachide (Tosef., Soṭah, viii. 7; Soṭah 31b), though the Law was written on the altar (Deut. xxvi. 8) in the seventy languages. Hence, while Israel is like the patient ass, the Gentiles resemble the easy-going, selfish dog (Lev. R. xiii.; Sifre, Deut., Wezot ha-Berakah, 343). Yet Simon speaks of the friendly reception given to Gentiles (Sifre, Deut. 1). The idols were called "ellim" to indicate that "wo [is] them that worship them" (Jellinek, l.c. v. 78). Simon b. Yohai insists upon the destruction of idols, but in a different manner from that proposed by others ('Ab. Zarah iii. 3; 'Ab. Zarah 43b). He extends to Gentiles the prohibition against sorcery in Deut. xviii. 10 *et seq.* (Tosef., 'Ab. Zarah, viii. 6; Sanh. 55b).

Judah ben 'Ilai recommends the daily recital of the benediction, "Blessed be Thou . . . who hast not made me a goi" (Tosef., Ber. vii. 18; Men. 43b, sometimes ascribed to Meir; see Weiss, "Dor," ii. 137). Judah is confident that the heathen (Gentiles) will ultimately come to shame (Isa. lxvi. 5; B. M. 25b).

spiritual kingdom. This, according to Holtzmann ("Leben Jesu," p. 827), was equivalent to a claim to the Messiahship. Jesus is reported to have distinctly made this claim in answer to a direct question by the high priest; but the synoptic Gospels vary on this point, xiv. 62 making the claim, and Matt. xxvi. 64 and Luke xxii. 68 representing an evasion, which was more in accord with the usual practise of Jesus when questioned by opponents. The rending of his clothes by the high priest seems rather to imply that the charge was one of "gidduf" or blasphemy (Sanh. vii. 10, 11). See Exh. 51

There could be no question of anything corresponding to a trial taking place on this occasion before the Sanhedrin. Whatever inquest was made must have occurred during the Thursday night and outside Jerusalem (for on entering the city a prisoner would have had to be given up to the Roman garrison), and can not have been held before a quorum of the seventy-one members of the Sanhedrin. It is more probable that the twenty-three members of the priestly section of the latter, who had most reason to be offended with Jesus' action in cleansing the Temple, met informally after he had been seized, and elicited sufficient to justify them in their own opinion in delivering him over to the Romans as likely to cause trouble by his claims or pretensions to the Messiahship, which, of course, would be regarded by them as rebellion against Rome. Nothing corresponding to a Jewish trial took place, though it was by the action of the priests that Jesus was sent before Pontius Pilate (see CRUCIFIXION). The Gospels speak in the plural of the high priests who condemned him—a seeming contradiction to Jewish law which might throw doubt upon their historic character. Two, however, are mentioned, Joseph Caiaphas and Annas (Hanan), his father-in-law. Hanan had been deposed from the high-priesthood by Valerius Gratus, but he clearly retained authority and some prerogatives of the high priest, as most of those who succeeded him were relatives of his; and he may well have intervened in a matter touching so nearly the power of the priests. According to the Talmud, Hanan's bazaars were on the Mount of Olives, and probably therefore also his house; this would thus have become the appropriate place for the trial by the Sanhedrin, which indeed just about this time had moved its place of session thither (see SANHEDRIN).

In handing over their prisoner to the procurator, Pontius Pilate, the Jewish officials refused to enter the pretorium as being ground forbidden to Jews. They thereby at any rate showed their confidence in the condemnation of Jesus by the

The Crucifixion. Before Pilate the sole charge could be attempted rebellion

against the emperor. In some way, it would appear, the claim to be king of the Jews (or possibly of a kingdom of heaven) was made before him by Jesus himself, as is shown by the inscription nailed up in derision on the cross. To Pilate the problem presented was somewhat similar to that which would present itself to an Indian official of to-day before whom a Mohammedan should be accused of claiming to be the Mahdi. If overt acts in a disturbed district had accompanied

the claim, the official could scarcely avoid passing sentence of condemnation; and Pilate took the same course. But he seems to have hesitated: while condemning Jesus, he gave him a chance of life. It appears to have been the practise to grant to the Jewish populace the privilege of pardoning a prisoner on public holidays; and Pontius Pilate held out to the rabble surrounding the pretorium (for most responsible heads of families must have been at this time engaged in searching for leaven in their own homes) a choice between Jesus and the other Jesus (bar Abbas), who also had been accused of rebellion. The mob had naturally more sympathy for the avowed rebel than for the person who had recommended the payment of tribute. It chose Bar abbas; and Jesus was left to undergo the Roman punishment of CRUCIFIXION in company with two malefactors. He refused with some not overkindly words (Luke xxiii. 28-31) the deadening drink of frankincense, myrrh, and vinegar which the ladies of Jerusalem were accustomed to offer to condemned criminals in order that they might pass away in an unconscious state (Sanh. 43a). Whatever had been Jesus' anticipations, he bore the terrible tortures, due to the strain and cramping of the internal organs, with equanimity till almost the last, when he uttered the despairing and pathetic cry "Eloi, Eloi, lama sabachthani?" (the Aramaic form of Ps. xxii. 1, "My God, my God, why hast thou forsaken me?"), which showed that even his resolute spirit had been daunted by the ordeal. This last utterance was in all its implications itself a disproof of the exaggerated claims made for him after his death by his disciples. The very form of his punishment would disprove those claims in Jewish eyes. No Messiah that Jews could recognize could suffer such a death; for "He that is hanged is accursed of God" (Deut. xxi. 23), "an insult to God" (Targum, Rashi). How far in his own mind Jesus substituted another conception of the Messiah, and how far he regarded himself as fulfilling that ideal, still remain among the most obscure of historical problems (see MESSIAH).

BIBLIOGRAPHY: Of the enormous literature relating to Jesus it is unnecessary to refer to this place to more than a few of the more recent works, which give in most cases references to their predecessors. On the sources the best work, at any rate in English, still remains F. A. Abbott's *Gospels in Encyc. Brit.* On the parallels with rabbinic sources: *Lightfoot, H. v. ræ Talmudicæ* (best ed., Oxford, 1854); A. Wünsche, *Neue Beiträge zur Erläuterung der Evangelien aus Talmud und Midrasch*, Göttingen, 1878; G. H. Dalman, *The Words of Jesus*, Edinburgh, 1901. On the life of Jesus the best and most critical recent work is that of O. Holtzmann, *Leben Jesu*, Leipzig, 1901 (Eng. transl. London, 1904). W. Sanday, in Hastings, *Dict. Bible*, s.v., presents a moderate and candid estimate of the various aspects of the life from the orthodox Christian standpoint, and gives a critical bibliography to each section. A similar critical view, with a fuller account of the literature attached to each section, is given by Zöckler in Herzog-Hauck, *Real-Encyc. s.v.* With regard to the relation of the Law to Jesus, the Christian view is expressed by: Bousset, *Jesu Predigt in Ihrem Gegensatz zum Judentum*, Göttingen, 1892; G. H. Dalman, *Christianity and Judaism*, London, 1901. Of Jewish writers on Jesus may be mentioned: G. Solomon, *The Jesus of History*, London, 1890; H. Weinstock, *Jesus the Jew*, New York, 1902; J. Jacobs, *As Others Saw Him*, London, 1895. See also POLEMICS.

J.

—In **Theology**: Because the Gospels, while containing valuable material, are all written in a polemical spirit and for the purpose of substantiating the claim of the Messianic and superhuman character of Jesus, it is difficult to present an impartial story of his life. Nor is the composite picture of

BIBLIOGRAPHY: Grätz, *Gesch.* 4th ed., III. 281-314; F. Nork, *Rabbinische Quellen Neu-Testamentlicher Stellen*, Leipzig, 1889; August Wünsche, *Neue Beiträge zur Erläuterung der Evangelien aus Talmud und Midrasch*, Göttingen, 1872. K.

—**In Jewish Legend:** The Jewish legends in regard to Jesus are found in three sources, each independent of the others—(1) in New Testament apocrypha and Christian polemical works, (2) in the Talmud and the Midrash, and (3) in the life of Jesus ("Toledot Yeshu'") that originated in the Middle Ages. It is the tendency of all these sources to belittle the person of Jesus by ascribing to him illegitimate birth, magic, and a shameful death. In view of their general character they are called indiscriminately legends. Some of the statements, as that referring to magic, are found among pagan writers and Christian heretics; and as the Ebionites, or Judæo-Christians, who for a long time lived together with the Jews, are also classed as heretics, conclusions may be drawn from this as to the origin of these legends.

It ought also to be added that many of the legends have a theological background. For polemical purposes, it was necessary for the Jews to insist on the illegitimacy of Jesus as against the Davidic descent claimed by the Christian Church. Magic may have been ascribed him over against the miracles recorded in the Gospels; and the degrading fate both on earth and hereafter of which the legends speak may be simply directed against the ideas of the assumption and the resurrection of Jesus. The Jewish legends relating to Jesus appear less inimical in character when compared with the parallel passages which are found in pagan authors and Christian sources, more especially as such legends are fixed and frequently occurring themes of folk-lore; and imaginations must have been especially excited by the historical importance which the figure of Jesus came to have for the Jews.

The earliest authenticated passage ascribing illegitimate birth to Jesus is that in Yeb. iv. 8. The mysterious phrase ("that man") cited in this passage as occurring in a family register which R. Simeon ben Azai is said to have found seems to indicate that it refers to Jesus (see Derenbourg in "R. E. J." i. 298), and here occur also the two expressions so often applied to Jesus in later literature—יְהוֹשֻׁעַ בְּנוֹ פִּלָּטוֹס ("that anonymous one," the name of Jesus being avoided) and בְּנוֹ פִּלָּטוֹ ("bastard"; for which in later times בְּנוֹ פָּנְתֵרָא was used). Such a family register may have been preserved at Jerusalem in the Judæo-Christian community.

The Jews, who are represented as inimical to Jesus in the canonical Gospels also, took him to be legitimate and born in an entirely natural manner. A contrary statement as to their attitude is expressed for the first time in the "Acts of Pilate" ("Gospel of Nicodemus," ed. Thilo, in "Codex Apoc. Novi Testamenti," i. 636, Leipzig, 1888; comp. Origen, "Contra Celsum," i. 26). Celsus makes the same statement in another passage, where he refers even to a written source (ἀγνῶστου γένους), adding that the seducer was a soldier by the name of Panthera (*l. c.*).

Birth of Jesus. The name "Panthera" occurs here for the first time; two centuries later it occurs in Epiphanius

("Hæres." lxxviii. 7), who ascribes the surname "Panther" to Jacob, an ancestor of Jesus; and John of Damascus ("Do Orthod. Fide." iv., § 15) includes the names "Panther" and "Barpanther" in the genealogy of Mary. It is certain, in any case, that the rabbinical sources also regard Jesus as the "son of Pandera" (פַּנְדֵּרָא בֶּן פַּנְדֵּרָא), although it is noteworthy that he is called also "Ben Stada" (בֶּן סְטָדָא) (Shab. 104b; Sanh. 67a). See Exh. 76. It appears from this passage that, aside from Pandera and Stada, the couple Pappus b. Judah and Miriam the hairdresser were taken to be the parents of Jesus. Pappus has nothing to do with the story of Jesus, and was only connected with it because his wife happened to be called "Miriam" (= "Mary"), and was known to be an adulteress.

The one statement in which all these confused legends agree is that relating to the birth of Jesus. Although this is ascribed only to the Jews, even in Celsus, the Jews need not necessarily be regarded as its authors, for it is possible that it originated among heretics inimical to Jesus, as the Ophites and Cainites, of whom Origen says "they uttered such hateful accusations against Jesus as Celsus himself did" ("Contra Celsum," iii. 18). It is probable, furthermore, that the accusation of illegitimacy was not originally considered so serious; it was ascribed to the most prominent personages, and is a standing motive in folk-lore (Krauss, "Leben Jesu," p. 214).

The incident of Jesus concerning the dispute with the Scribes was copied by the rabbinical sources (Kallah 18b [ed. Venice, 1528, fol. 41c]; comp. N. Coronel, "Comment. Quinque," p. 8b, Vienna, 1864, and "Bette Midrashot," ed. Wertheimer, iii. 28, Jerusalem, 1895). All the "Toledot" editions contain a similar story of a dispute which Jesus carried on with the Scribes, who, on the ground of that dispute, declared him to be a bastard. Analogous to this story are numerous tales of predictions by precocious boys. See Exh. 115-17.

The sojourn of Jesus in Egypt is an essential part of the story of his youth. According to the Gospels

he was in that country in his early sojourn in infancy, but Celsus says that he was in Egypt in service there and learned magic; hence he was there in early manhood.

This assumption may serve to throw more light on the obscure history of Jesus than the account found in the Gospels. The Talmud also says that Jesus was in Egypt in early manhood. R. Joshua b. Perahyah is said to have fled with his pupil Jesus to Alexandria in order to escape the persecutions of the Jewish king Yannai (108-76 B.C.); on their return Jesus made a remark on the not faultless beauty of their hostess, whereupon R. Joshua excommunicated him; and when Jesus approached him again and was not received he set up a brick for his god, and led all Israel into apostasy (Sanh. 107b; Sofer 47a; Yer. Hag. 77d). This account is supplemented by the statement, made on the assumption that Ben Stada is identical with Pandera, that Ben Stada brought magic from Egypt (Sanh. 104b). The story that Joshua b. Perahyah, a contemporary of Simeon b. Sheṭah, was the teacher of Jesus, is not clearly stated in the various "Toledot"; it is said

merely that Jesus was named after this brother of his mother. The assumption that Joshua b. Perahyah was the uncle of Jesus is confirmed by Kirksani, who wrote about 987 a history of Jewish sects (ed. Harkavy, § 1, 8t. Petersburg, 1894; comp. "J. Q. R." vii. 687). The references to Yannai, Salome Alexandra, and Joshua b. Perahyah indicate that according to the Jewish legends the advent of Jesus took place just one century before the actual historical date; and some medieval apologists for Judaism, as Nahmanides and Salman Zebi, based on this fact their assertion that the "Yeshu" mentioned in the Talmud was not identical with Jesus; this, however, is merely a subterfuge, *Ex. 21*

According to Celsus (in Origen, "Contra Celsum," i. 28) and to the Talmud (Shab. 104b), Jesus learned magic in Egypt and performed his miracles by means of it; the latter work, in addition, states that he cut the magic formulas into his skin.

Jesus as. It does not mention, however, the nature of his magic performances (Toef., Shab. xi. 4; Yer. Shab. 18d); but as

it states that the disciples of Jesus healed the sick "in the name of Jesus Panders" (Yer. Shab. 14d; 'Ab. Zarah 27b; Eccl. R. i. 8) it may be assumed that its author held the miracles of Jesus also to have been miraculous cures. Different is nature is the witchcraft attributed to Jesus in the "Toledot." When Jesus was expelled from the circle of scholars, he is said to have returned secretly from Galilee to Jerusalem, where he inserted a parchment containing the "declared name of God" ("Shem ha-Meforash"), which was guarded in the Temple, into his skin, carried it away, and then, taking it out of his skin, he performed his miracles by its means. This magic formula then had to be recovered from him, and Judah the Gardener (a personage of the "Toledot" corresponding to Judas Iscariot) offered to do it; he and Jesus then engaged in an aerial battle (prowed from the legend of Simon Magus), in which Judah remained victor and Jesus fled.

The accusation of magic is frequently brought against Jesus. Jerome mentions it, quoting the Jews: "Magum vocant et Judæi Dominum meum" ("Ep. iv., ad Ascellam," i. 196, ed. Vallarsi); Marcua, of the sect of the Valentinians, was, according to Jerome, a native of Egypt, and was accused of being, like Jesus, a magician (Hilgenfeld, "Ketzer-gesch." p. 870, Leipzig, 1884). There were even Christian heretics who looked upon the founder of their religion as a magician (Fabricius, in "Codex Apocr. Novi Testamenti," iii. 896), and public opinion at Rome accused all Christians of magic (W. M. Ramsay, "The Church in the Roman Empire Before A. D. 170," pp. 286, 892, London, 1897). The Apostles were regarded in the same light ("Acta Petri et Andreæ," ed. Bonnet, § 8). Neither this accusation nor that concerning the birth of Jesus is found in the canonical Gospels, but it occurs in the apocryphal accounts; e. g., "Gesta Pilati," ii. 1; "Acta Pilati," version B, ii. 8, iii. 1; *ib.* i. 1 (*magia*; comp. *Yer. Jeron* = "he is a magician"); *ib.* in ed. Tischendorf, ad ed., p. 316, "maleficus est"; *ib.* p. 838 ("Zeit. für die Neutest. Wissenschaft," 1901, iii. 94), with which comp. "veneficus" = "poisoner" ("Evang. Infantia Arab." ed. Thilo, § 86). Somewhat different

is the accusation that Jesus imposed upon the people and led them astray (comp. Bischoff, "Ein Judeisch-Deutsches Leben Jesu," p. 20, Leipzig, 1895; *MDZ*, often also *MDZ*, and in the Greek texts *πλενέτ*, *λεο-πλενέτ*; comp. *πλενέτ* *τὸν δὲ χλον* = "he deceives the people"; John vii. 19). As Balasam the magician said, according to the derivation of his name, "destroyer of the people," was from both of these points of view a good prototype of Jesus, the latter was also called "Balasam." *Ex. 274-5 X*

Celsus (i. 63) says there were ten or eleven apostles. A passage of the Talmud (Shab. 48a) ascribes five disciples to Jesus: "Matthal" (Matthew), *Ex.* "Nakai" (Luke), "Nezer" (Nazarene), The Disciple—a general designation for Christian in places of antiquity, "Roni" (probably the Nicæus), demon mentioned by John), and Jesus. "Thoda" (Thaddæus). The following are mentioned in the "Toledot" (Huldricus, p. 86): "Simeon" (Peter), "Matthias" (Matthew), "Elkum" (Luke), "Mordcai" (Mark), "Thoda" (Thaddæus), and "Johannos" (John)—that is, the four evangelists plus Peter and Thaddæus. Paul is mentioned in another connection, and (p. 48) Judas "the betrayer"; it is to be noted that the last-named does not occur at all in Talmudic legends. The Twelve Apostles are mentioned in other versions of the "Toledot" (ed. Wagenseil, p. 19; ed. Bischoff, p. 21), while still other versions frequently mention a following of 800, 810, 820, 880 men. It is especially striking that all these disciples are described as eminently wise and learned, while according to Celsus (i. 68, ii. 46) the disciples of Jesus were common men, toll-keepers and seamen, an assumption that agrees to some extent with the canonical Gospels. *Ex. 47*

In all the editions of the "Toledot" the doctrine of Jesus is summed up in the statements that he was the son of God, born of a virgin mother, a descendant of David and the promised Messiah; this he proved from passages of Scripture, in the rabbinic-Talmudic manner. In connection with these statements he is also represented as en-

The gaging in disputations with Jewish Doctrines scholars. The only specifically Christian doctrine mentioned by the Talmud

is (Shab. 116a, b) that the law of Moses has been annulled and the Gospels put in its place—the well-known Christian doctrine of the abrogation of the Law; the saying of Jesus, "I have not come to take away the law of Moses, but to add to it," is also cited (*ib.*). In the "Toledot" the doctrine of abrogation is put into the mouth of Peter, and the latter, secretly intending to separate the Christians from the community in the interest of the Jews, promulgates the following tenets: Jesus suffered the pain and punishment of death in order to redeem from hell those that believe in him (comp. I Oer. xv. 96, 55); believers shall not hurt the Jews (comp. Acts iii. 26); one who deserves to be accompanied one mile only shall be accompanied two miles; both cheeks shall be offered if one cheek has been struck (comp. Matt. v. 39-41); instead of the Sabbath, Sunday shall be kept holy; Easter shall be celebrated instead of the Passover, Pentecost instead of the Feast of Weeks, etc.; circumcision is abrogated, and the dietary laws annulled. All these doctrines

are merely external, while the essential points of the teachings of Jesus are hardly alluded to.

Jesus performed all his miracles by means of magic, as stated above. These miracles are not specified in the Talmud, but they are in the "Toledot"; they are partly such as are mentioned in the Gospels, as the healing of the halt, blind, and leprous, and are somewhat different in nature, though based on the Gospels, as the story of Jesus walking on the sea on a heavy millstone ("Toledot"—ed. Wagenseil, p. 14; ed. Huldricus, p. 43; ed. Biscoff, p. 25; MS. Adler, in Krauss, "Leben Jesu," p. 119; comp. Matt. xiv. 25, xviii. 6). Other miracles are derived from apocryphal accounts, as the story that Jesus fashioned birds from clay or marble and put life into them; this occurs also in the "Gospel of Thomas," in "Evang. Infantic Arab." § 36 (Thilo, *ib.* i. 111), and in the Koran. These legends are much amplified in the later "Toledot," although the substance remains the same. **Ex 76**

The Talmudic account of the manner of executing a person guilty of leading the people astray (Sanh. 67a) would be of signal historical importance if it were certain that it referred to Jesus. The proceeding against one who incites others to deny the religion of their fathers consists in con-

Trial and victing him of his guilt by means of concealed witnesses, as follows: The accused is placed in an inner room

with a light, so that witnesses unknown to him and watching him from an outer room can see and hear him clearly. Then a companion says to him: "Tell me again what you told me in confidence [in regard to renouncing our religion]." If he does so, the other replies: "How could we leave our God in heaven and serve idols?" If he recants now, it is well; but if he says, "It is our duty and we must do it," then the witnesses outside take him into court and he is stoned. "Thus they did with Ben Stada at Lydda, who was hanged on the eve of the Passover." This passage refers to Jesus only if he is regarded as identical with Ben Stada; this can hardly be assumed in view of the reference to Lydda. The frequently repeated statement that Jesus was condemned for inciting to apostasy (מסית ומרדן) is based on Sanh. 43a; there is added the entirely improbable statement that forty days before the condemnation of Jesus a herald called upon any one who could say anything in his favor to come forward and testify, but that no one appeared. **Ex. 75**

The proceeding is related very differently in the "Toledot"; although the several editions of the same differ in detail they agree in substance. The following account is found in a rather old edition (see Krauss, *l.c.* pp. 43 *et seq.*). The scholars of Israel took Jesus into the synagogue of Tiberias and bound him to a pillar, when his followers came to liberate him a battle occurred in which the Jewish party was worsted and his disciples took him to Antiochia. On the eve of Passover he entered Jerusalem riding on an ass (comp. Matt. xxi. 4-17), disguised—according to several editions—so that his former disciple Judas had to betray him in order to secure his seizure. He was executed on the eve of the Passover festival, which was also the eve of the Miblatih. The executioners were not able to hang him upon a tree,

for he had conjured all trees, by means of the name of God, not to receive him, and therefore they all broke; he was finally received by a large cabbage-stalk (comp. Targ. Sheni to Esth. vii. 9). He was buried on the same day, in conformity with the Law, and the apostates, his disciples, wept at his tomb.

According to the "Toledot" his disciples sought for his body in the tomb, but being unable to find it they used the incident as proof before Queen Helena that he who had been slain had ascended into heaven. It then appeared that a man—sometimes called "Judas the Gardener" (Judas Iscariot), sometimes, indefinitely, the "master of the garden"—had taken the body out of the grave, used it as a dam to keep the water out of his garden, and had flooded the tomb. Then there was joy again in Israel; the body was taken before the queen at Jerusalem, and the Christians were shamed. Three points deserve notice in this account: (1) The fact that the body was stolen. According to Matt. xxvii. 64, the Pharisees asked Pilate to guard the tomb so that the disciples might not steal the body and say that Jesus had ascended into heaven; but when the report was nevertheless circulated that Jesus had ascended, the Pharisees bribed the soldiers to say that the body had been stolen by the disciples (Matt. xxviii. 13). The "Gospel of Nikodemus," § 13 (Thilo, *ib.* i. 616), adds that the Jews still persisted in this statement. A similar story is known to Justin ("Dial. cum Tryph." § 108; comp. § 17) and Eusebius ("Hist. Eccl." ch. iv. 18), while in the pseudo-Clementine "Recognitions" (i. § 42) this assertion is ascribed to "others" (probably the Jews). (2) The statement of the theft of the body and the statement of the gardener who was afraid that the multitude of disciples might destroy his lettuce-beds were both known to Tertullian ("De Spectaculis," § 30). (3) The insult offered to the body in the streets of Jerusalem is alluded to in the Koran (see below).

It is clear, therefore, that the Jewish legends deny the resurrection of Jesus; the halakic assertion that Balaam (*i.e.*, the prototype of Jesus) had no part in the future life must also be especially noted (Sanh. x. 2). It is further said: "The pupils of the reconvert Balaam inherit hell" (Abot v. 19). Jesus is accordingly, in the following curious tale—

Ex. 201-2 ingly, in the following curious tale—**The Resurrection**—the legend, thought to sojourn in hell. A certain Onkelos b. Kalonikos, son of Titus' sister, desired to embrace

Judaism, and called up from hell by magic first Titus, then Balaam, and finally Jesus, who are here taken together as the worst enemies of Judaism. He asked Jesus: "Who is esteemed in that world?" Jesus said: "Israel." "Shall one join them?" Jesus said to him: "Further their well-being; do nothing to their detriment; whoever touches them touches even the apple of His eye." Onkelos then asked the nature of his punishment, and was told that it was the degrading fate of those who mock the wise (Git. 56b-57a). This most revolting passage was applied in the Middle Ages to another Jesus (*e.g.*, by R. Jehiel, in the Paris disputation; "Wikkuh," p. 4, Thorn, 1878). A parallel to the story is found in the statement of the "Toledot" that when Judas found he could not touch Jesus in any way in the

erial battle, he defiled him. This feature naturally specially angered Christians (see Wagenseil, "Tela Ignea Satanae," p. 77). According to a passage in the Zohar (Steinschneider, "Polemische Litteratur," p. 362) the same degrading fate is meted out to both Jesus and Mohammed.

Legends regarding Jesus are found in Moham-
medan folk-lore. Although the innocence of Mary is most emphatically asserted, there are such striking parallels to Jewish legends that this material must certainly have been taken from Judaism into the Koran. In that work, also, it is stated that Jesus formed birds out of clay and endowed them with life (sura iii. 43); both the Koran and Jalal al-Din (in Maracci, "Refutatio Alcorani," fol. 114b, Patavii, 1698) refer to the peculiar clothing worn by the disciples of Jesus; and in Ibn Said (Maracci, *l.c.* fol. 113b) is found the statement that the body of Jesus was dragged with ropes through the streets.

The cardinal point in the Jewish legends concerns the birth of Jesus. This question is discussed by both

The Samaritans ("Chronique Samaritane," ed. Neubauer, p. 18, Paris, 1873) and the Karaites, as may be seen in a recently published passage from the work of the Karaite Judah Haddassi ("J. Q. R." viii. 440). Other essential points are that Jesus performed his miracles by conjuring with the name of God (*ib.* viii. 436), and the legend appended to the "Toledot" editions regarding the finding of the cross (*ib.* viii. 438). The Karaites, however, had their own "Toledot." Meswi al-Akkbari, the founder of a Karaite sect, engaged in similar polemics against the Christian doctrines ("R. E. J." xxxiv. 182).

BIBLIOGRAPHY: Mehlführer, *Jesus in Talmute*, i. c. 1, 1699; Andr. Conr. Werner, *Jesus in Talmude*, Stade, 1738; D'Herbelot, *Bibliothèque Orientale*, ii. 349; Wagenseil, *Tela Ignea Satanae*, Altorf, 1681 (where the *Confutatio* of the Toledot is separately pagged); Eisenmenger, *Entdecktes Judenthum*, i. 115, 131, 249, passim; Von der Alm, *Die Urtheile Heidenischer und Jüdischer Schriftsteller über Jesus*, Leipsic, 1864; Hoffmann, *Das Leben Jesu nach den Apokryphen*, lb. 1851; G. Rosch, *Jesusmythen*, in *Theologische Studien und Kritiken*, 1873, pp. 77-115; *Jüdische Sagen über das Leben Jesu*, by Conrad, in *Neue Kirchliche Zeitschrift*, pp. 164-176, Erlangen and Leipsic, 1901; Baring-Gould, *Lost and Hostile Gospels*, 1875; Laible, *Jesus Christus im Talmud* (with Appendix—*Die Talmudischen Texte*, by G. Dalman), Berlin, 1891 (has been transl. into English); Krauss, *Das Leben Jesu nach Jüdischen Quellen*, Berlin, 1902; R. Travers Herford, *Christianity in Talmud and Midrash*, pp. 1-96, London, 1903.

(1. Exhibit 280 S. Kr.

ABRACADABRA: Magic word or formula used in incantations, especially against intermittent fever or inflammation, the patient wearing an amulet upon his neck, with the following inscription:

ABRACADABRA
ABRACADABR
ABRACADAB
ABRACADA
ABRACADA
ABRACAD
ABRACA
ABRAC
ABRA
ABR
AB
A
Jewish
magic
Exhibit 281

The underlying idea was to force the spirit of the disease gradually to relinquish its hold upon the

patient. It is first mentioned by Serenus Sammoniscus, physician to the emperor Caracalla, whose work, "De Medicina Præcepta," was admired by the emperors Geta and Alexander Severus. He prescribes that the word be written in the form of an inverted cone, the whole word being written out at first, then with one letter less on each line until one letter stands alone (see King, "Gnostics and Their Remains," p. 817). The explanation that it is a corruption of *Ha-Bracha* and *Dobar* hardly deserves consideration. The Jewish Cabala probably had nothing to do with it. But it finds a striking parallel in Pesachim, 112a, which recommends the same means of gradually reducing the power of disease by an incantation formula which subdues the invoked spirit of the disease. The person who is in danger of becoming a victim of the spirit Shabriri ("Blindness") is told to say: "My mother bath told me to beware of

S H A B R I R I
A B R I R I
R I R I
R I."

It is, therefore, probable that the word was originally the name of a demon which is no longer recognizable. It has been the subject of the following stanza (King, *l.c.*):

"Thou shalt on paper write the spell divine,
Abracadabra called, in many a line;
Each under each in even order placed,
But the last letter in each line efface.
As by degrees the elements grow few
Still take away, but fix the residue,
Till at the last one letter stands alone
And the whole dwindles to a tapering cone.
Tie this about the neck with flaxen string;
Mighty the good 'twill to the patient bring.
Its wondrous potency shall guard his head,
And drive disease and death far from his bed."

K.

JEWISH MAGIC—ABRACADABRA

and

SHABRIRI, above, Ex. 281

Below, MAGEN DAWID ("David's shield"), Ex. 282
(SIX-POINTED STAR), Ex. 282

MAGEN DAWID ("David's shield"): The hexagram formed by the combination of two equilateral triangles; used as the symbol of Judaism. It is placed upon synagogues, sacred vessels, and the like, and was adopted as a device by the American Jewish Publication Society in 1873 (see Illustration, Jew. Encyc. i. 520), the Zionist Congress of Basel (*ib.* ii. 570)—hence by "Die Welt" (Vienna), the official organ of Zionism—and by other bodies. The hebra kaddisha of the Jewish community of Johannesburg, South Africa, calls itself "Hebra Kaddisha zum Rothen Magen David," following the designation of the "red cross" societies. The Jewish view of God, which permitted no images of Him, was and still is opposed to the acceptance of any symbols, and neither the Bible nor the Talmud recognizes their existence. It is noteworthy, moreover, that the shield of David is not mentioned in rabbinical literature. The "Magen David," therefore, probably did not originate within

Rabbinism, the official and dominant Judaism for more than 2,000 years. Nevertheless, a David's shield has recently been noted on a Jewish tombstone at Tarentum, in southern Italy, which may date as early as the third century of the common

A CABALISTIC SIGN



A "Magen David" from a "Mizrah."

era (see Herbert M. Adler in "J. Q. R." xiv. 111). The earliest Jewish literary source which mentions it, the "Eshkol ha-Kofer" of the Karaite Judah Hadassi (middle of the 12th cent.), says, in ch. 242: "Seven names of angels precede the mezuzah: Michael, Gabriel, etc. . . . Tetragrammaton protect thee! And likewise the sign called 'David's shield' is placed beside the name of each angel." It was, therefore, at this time a sign on amulets. *

In the magic papyri of antiquity, pentagrams, together with stars and other signs, are frequently

found on amulets bearing the Jewish names of God—"Sabaoth," "Adonai," "Eloai"—and used to guard against

fever and other diseases (Wessely, "Neue Zauberpapyri," pp. 68, 70, and note). Curiously enough, only the pentacle appears, not the hexagram. In the great magic papyrus at Paris and London there are twenty-two signs side by side, and a circle with twelve signs, but neither a pentacle nor a hexagram (Wessely, *l.c.* pp. 31, 112), although there is a triangle, perhaps in place of the latter. In the many illustrations of amulets given by Budge in his "Egyptian Magic" (London, 1899) not a single pentacle or hexagram appears. The syncretism of Hellenistic, Jewish, and Coptic influences did not, therefore, originate the symbol. It is probable that it was the Cabala that derived the symbol from the Templars (see Vajda in "Magyar Zsidó Szemle," xvii. 814 *et seq.*; German reprint in Grunwald's "Mitteilungen der Gesellschaft für Jüdische Volkskunde," x. 183 *et seq.*). The Cabala, in fact, makes use of this sign, arranging the Ten Sefirot, or spheres, in it, and placing it on amulets (see illustrations, Jew. Encyc. i. 181, 550; iii. 475).

The pentagram, called Solomon's seal, is also used as a talisman, and Henry thinks that the Hin-

dus derived it from the Semites ("Magic dans l'Inde Antique," p. 93, Paris, 1904), although the name by

no means proves the Jewish or Semitic origin of the sign. The Hindus likewise employed the hexagram as a

means of protection, and as such it is mentioned in the earliest source, quoted above.

In the synagogues, perhaps, it took the place of the mezuzah, and the name "shield of David" may have been given it in virtue of its protective powers.

The hexagram may have been employed originally also as an architectural ornament on synagogues, as it is, for example, on the cathedrals of Brandenburg and Stendal, and on the Marktkirche at Hanover. A pentacle in this form, ✧, is found on the ancient synagogue at Tell Hum. Charles IV. prescribed for the Jews of Prague, in 1354, a red flag with both David's shield and Solomon's seal, while the red flag with which the Jews met King Matthias of Hungary in the fifteenth century showed two pentacles with two golden stars (Schwandtner, "Scriptores Rerum Hungaricarum," ii. 148). The pentacle, therefore, may also have been used among the Jews. It occurs in a manuscript as early as the year 1073 (facsimile in M. Friedmann, "Seder Eliyahu Rabbah we-Seder Eliyahu Zuta," Vienna, 1901).

BIBLIOGRAPHY: M. Grunwald, *Jahrb. für Jüdische Gesch. und Literatur*, vol. iv., Berlin, 1901; *Mitteilungen der Gesellschaft für Jüdische Volkskunde*, x. 137-140, Hamburg, 1902; B. Vajda, *Zur Gesch. des Davidsschildes, in Magyar Zsidó Szemle*, 1900, xvii. 310-322; Zunz, *Ritus*, p. 149 (the 6th Psalm on David's shield in the form of *la menorah*); D. Mayer, *Der Aberglaube des Mittelalters*, p. 237, Basel, 1884. J.

MAGGID. See CABALA.

MAGGID: Itinerant preacher, skilled as a narrator of stories. A preacher of the more scholarly sort was called "darsban" and usually occupied the official position of rabbi. The title of "maggid mesharim" (= "a preacher of uprightness"; abbreviated *מגיד*) probably dates from the sixteenth century. There always have been *מגידים* ^{distinct} classes of leaders in Israel—the

Exhibit 283

MILMAN, HENRY HART: Historian; born in London Feb. 10, 1791; died there Sept. 24, 1868. His career at Oxford was a brilliant one. He first became known through his dramatic poems "Fazio" (1815), "Fall of Jerusalem," "Martyr of Antioch," and others. In 1830 he published his "History of the Jews," a work which brought down on him the censure of the Church. This history is aggressively rationalistic; it treats the Jews as an Oriental tribe, and all miracles are either eliminated or evaded. He was nevertheless presented with a

piece of plate by some representative Jews in recognition of his sympathetic attitude. His history was republished in 1863 and 1867.

Dean Milman was appointed Dean of St. Paul's in 1849. He was the first to translate Sanskrit epics into English. He edited Gibbon in 1838, and Horace in 1849. His ecclesiastical and theological sympathies were very liberal, as is shown by his "History of Latin Christianity" (1855), in which also occur several sympathetic references to the Jews.

BIBLIOGRAPHY: *Dictionary of National Biog.*

J.

S. J. L.

ganked them ■■ posterior to the destruction of the Temple. The verse marked 5, indeed, seems to be a commentary on benediction No. xi. It begins with the word עָרַף, and thus suggests the verse: "Lead us back to Thee and we shall return, renew our days as of yore" (Isa. v. 21, Hebr.). Instead of for the "judges," Ben Sira prays for the reestablishment of God's "judgments," in open allusion to the Exodus (Ex. xii. 12; Num. xxiii. 4; Ezek. xxv. 11, from which verse he borrows the name "Moab" as a designation of the enemy in the prayer). It is probable that the reading of No. xi. ■■ now given is a later reconstruction of a petition with the implications of the Ecclesiasticus paraphrase. This explanation will obviate the many objections raised against the current opinions; *e.g.*, that under Roman or other foreign rule the Jews would hardly have been permitted to cast reflections on the courts of their masters. The Maccabean period seems to furnish adequate background for the national petitions, though the experiences of the Roman war and the subsequent disasters may have heightened the coloring in many details.

The history of the petition against enemies may serve to illustrate the development of the several component parts of the "Tefillah" in keeping with provocations and changed conditions.

Petition Against Enemies. The verses of Ecclesiasticus make it certain that the Syrian oppressors were the first against whom this outcry of the poor, oppressed victims of tyranny was directed. As the Syrians were aided by the apostates, the "zedim," these were also embraced in the imprecatory appeal. The prayer was in fact designated even in later days as בְּרַכַּה וְרִים לַמְּכֹנִי, a petition to humiliate the arrogant ("zedim"; Yer. Ber. ii. 3, iv. 2). A century later the Sadducees furnished the type, hence it came to be designated as the "Birkat ha-Zaddukim" (but "Zaddukim" may in this connection be merely a euphemism for "Minim"; Yer. Ber. iv. 8; Ber. 28b). Under Gamaliel II. it was invoked against heretics, traitors, and traducers: the "minim" and the "posh'im," or, as Maimonides reads, the אֲפִיקֹרֶסִים (see also his commentary on Sanh. x. 1, and "Yad," Feshubah, iii. 6-8). The latter were the freethinkers; the former, the Judæo-Christians. These had brought much trouble into the camp of faithful Israel; they disputed with the Rabbis; even R. Gamaliel had often to controvert them (see "He-Haluz," vii. 81 *et seq.*); they involved the Jews in difficulties with the Roman government (Tosef., Hul. ii. 24); they denounced the Jews to the authorities (hence "minim" and מְסֻרֵּי הַמָּוֶה, R. H. 18a; Tos. to Sanh. xiii.; Olam R. iii.; comp. Joel, "Blicke in die Religionsgeschichte," i. 33 *et seq.*; Gutmann, in "Monatsschrift," 1898, p. 344).

R. Gamaliel revitalized the prayer originally directed against the Syrians and their sympathizers (so also Loeb, Weiss, and Hoffmann; Elbogen [*i.e.* p. 357] rejects this view in favor of the assumption that the original composition of the prayer was due to Gamaliel), his purpose being to test those suspected of being minim (Tun., Wayikra, ed. Buber, p. 2a; Yer. Ber. v. 4). The editorship is ascribed to Samuel the Younger (Ber. 28a), who, however, is

reported to have forgotten its form the very next year. According to Yer. Ber. v. 3 he merely omitted some part of the prayer; and, as he was not under suspicion of heresy, the omission was overlooked.

The above account seems to suggest that this "new" (revised) addition to the benedictions was not admitted at once and without some opposition. The prayer has undergone since the days of Gamaliel many textual changes, ■■ the variety of versions extant evidences. "Kol tions in Bo" gives the number of the words "Birkat contained therein as thirty-two, which ha-Minim." agrees with none of the extant recensions. The prayer furnished the tra-

ducers of Judaism and the Jews a ready weapon of attack (*e.g.*, Wagenseil; see "Sefer Nizzahon," p. 348). In the Mahzor of Salonica it begins with the word "La-meshummadim" (see Orali Hayyim, 118), as it does in the Roman Mahzor (see also "Kesef Mishneh, Tefillah," at the beginning of ii.). "Meshummad" designates a Jew who apostatizes (Ramban on Ex. xii. 43 gives an incorrect identification, as does Parhon, *s.v.* yṭe) or is lax in his religious duties ('Er. 69a; Hul. 5a; Sanh. 27a; Hor. 11a; Targ. Onk. to Ex. xii. 43; Mek., Bo, 15; Git. 45a, in the uncensored editions; the censored have "Mumar"). The prayer is not inspired, however, by hatred toward non-Jews; nevertheless, in order to obviate hostile misconstructions, the text was modified. Originally the opening words were "La-zedim ula-minim," and the conclusion had "maknia' zedim" (see "Sefer ha-Eshkol" and "Shibbole ha-Leket"). The change of the beginning into "La-meshummadim" is old (Zunz, "G. V." 2d ed., p. 380). Another emendation was "We-la-posh'im" (*idem*, "Ritus," p. 89), which readily gave way to the colorless "We-la-malshinim" (in the German ritual among others). For "minim" was substituted the expression "all doers of iniquity"; but the Sephardim retained "minim," while Maimonides has "Epicureans." In the older versions the continuation is: "and all the enemies of Thy people," or, in Amram Gaon's "Siddur," "all our enemies"; but this is modified in the German and Roman into "and they all," while Maimonides omits the clause altogether. Finally, there was mention of the "kingdom of arrogance" ("zadon") = the Roman empire. For this Amram presents "the doers of 'zadon,' " which at last was turned into "zedim," thus reverting to the earliest expression. The conclusion is either "who breakest the enemies" (Midr. Teh.) or "humiliates the arrogant" (Amram); in the former phrase Saadia and Maimonides replace the noun "enemies" by "evil-doers." X

According to Zunz, the seventh benediction looks like a duplication and is superfluous; at all events it is misplaced. There is some probability that it originally formed part of the liturgy for the fast-days, when 18 + 6 benedictions constituted the "Tefillah" (Ta'an. ii. 2); for in specifying the additional benedictions the Mishnah enumerates seven, not six (*ib.* ii. 4). The first of the seven enumerated is identical with the one contained in the "Shemoneh 'Esreh" as No. vii. Most likely when Israel's distress became constant this petition for help was gradually made a part of the daily liturgy.

As the prevailing use of the plural shows, the

are sometimes indicated; thus one charm was written on a red plate, another on a silver plate, and so on. By the employment of these amulets, analysis, scintilla, eye and ear ailments, leprosy, and other evils were to be cured. With a certain hute fastened around the thigh, a man might enter fiery furnace and come out unscathed. Material and inscription of the Amulet varied according to its purpose. By its means fish could be caught; the love of a woman secured and retained; the evil crossed dry-shod; wild animals slain; terror diffused through the world; communion had with the dead; a sword obtained which would fight automatically for its owner; one's enemies set to eating each other to pieces; oneself rendered invulnerable; springs of water found; cleverness attained; and many similarly wonderful things accomplished. In one passage a device that is frequently met with in Babylonian and Egyptian magic is mentioned; namely, the preparation of an image and working the charm desired by its medium. The prescription runs:

"If thou desirest to cause any one to perish, take clay from two river banks and make an image thereof; write upon it the man's name; then take seven stalks from seven date-trees and make a bow [there follows the word *קשת*] with horse-hair (?); set up the image in a convenient place, stretch thy bow, shoot the stalks at it, and with every one say the prescribed words, which begin with *אקרא* and end with *ברוך*, adding, 'Destroyed be N., son of N.'"

Gaster (*l.c.* pp. 12-18) explains why these means were thought to be effective. It appears that every angel and demon is bound to appear and obey when he hears a certain name uttered (p. 25, lines 2-10). Even Hai Gaon ("Responso der Geonim," ed. Harkavy, 878, p. 189) says, "Amulets are written, and the divine name is spoken, in order that angels may help." But a great deal was made to depend upon using the right name at the right time, a condition likewise frequently insisted on in the Egyptian and Babylonian magical works.

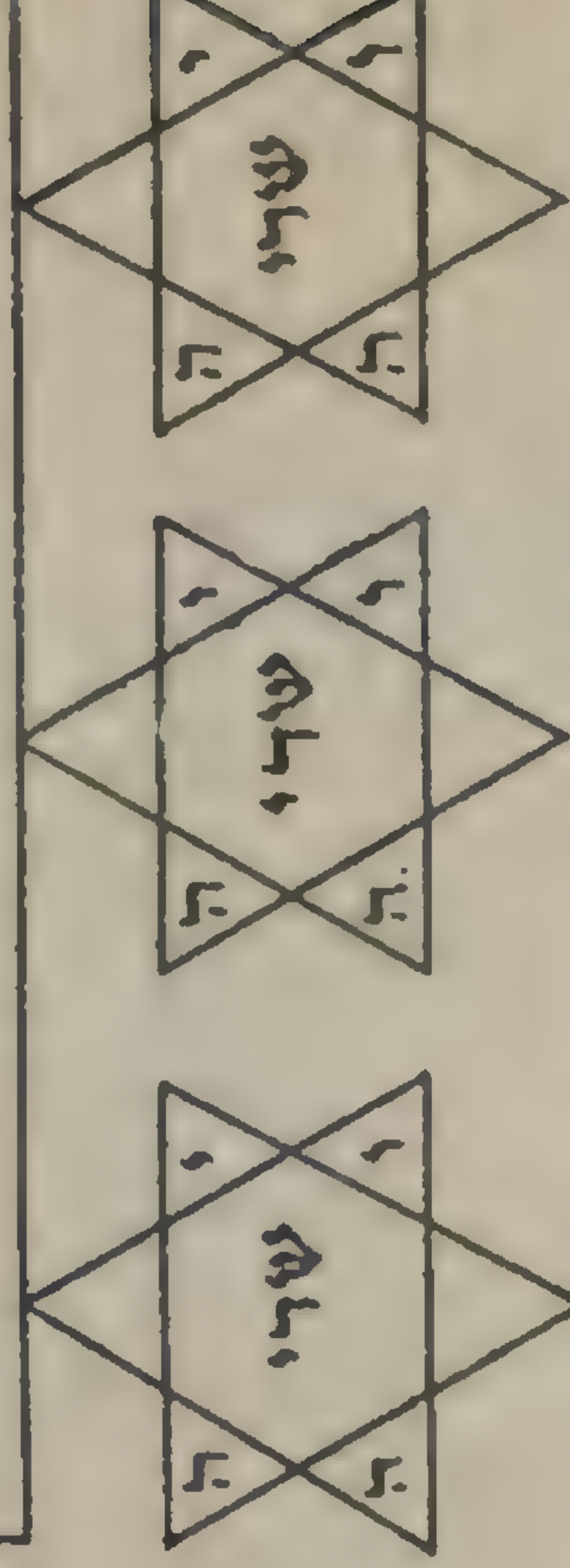
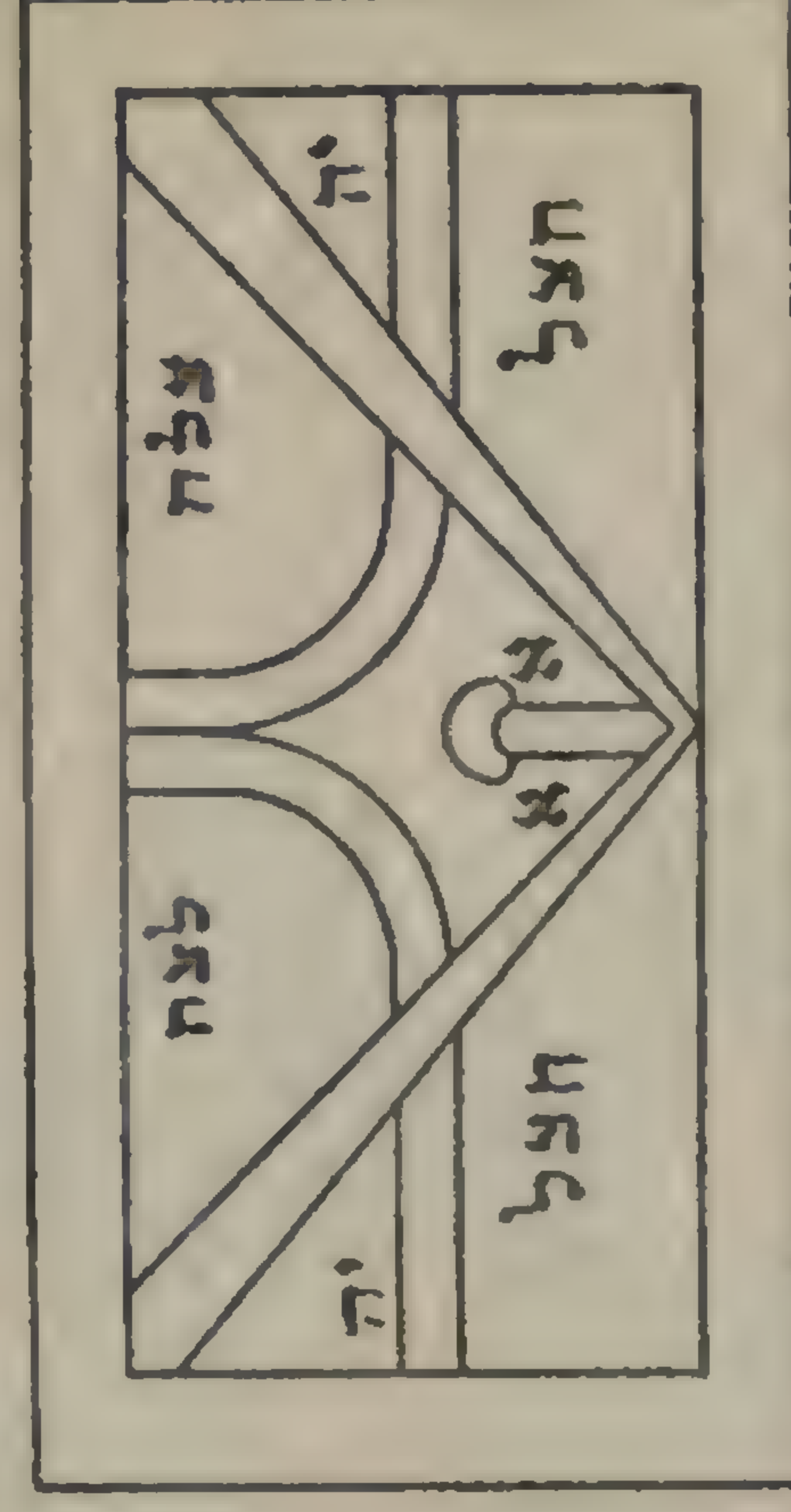
"Practical Cabala," or the art of employing the knowledge of the hidden world in order to attain one's purpose, is founded upon the mysticism developed in the "Sefer Yezirah" (Book of Creation). According to this work, God created the world by means of the letters of the alphabet and particularly those of His name, *י. ה. ו.*, which He combined in the most varied ways. If one learns these combinations and permutations, and applies them at the right time and in the right place, one may thus

Cabala easily make himself master of creation, since God Himself not only performs but desires this; for these formulae all proclaim monotheism. The Egyptians held a similar view (Budge, *l.c.* xiii.). The mystic book "Raziel" (eleventh century), in so far as it is to be considered here, is also of Oriental origin, and reflects similar views. Instructions are given for the preparation of amulets; and particular days and hours are indicated as suitable for the manufacture (ed. Amsterdam, 426). As samples, the two *kem-fot* in the next column may serve.

In Europe, Spain comes most prominently into view in the consideration of amulets, that country being a hotbed of superstition and Cabala. Nahmanides and Adret permit the employment of a metal plate with the image of a lion as a remedy against a painful

cough (Adret, "Responso," 1st ed., 167, 418). This superstition was a universal one, and is mentioned also by Manassch ben Israel of Amsterdam (seventeenth century), who remarks that Leone Soavio recommended it to Paracelsus as a cure for stomach-

pain ("Nishmat Hayyim," third treatise, chap. xxv.). Other amulets were written upon parchment, on the skin of a fetus or of a deer (Adret, *ib.*), but were of avail only when the writer and the chosen time were propitious. Adret also forbids such

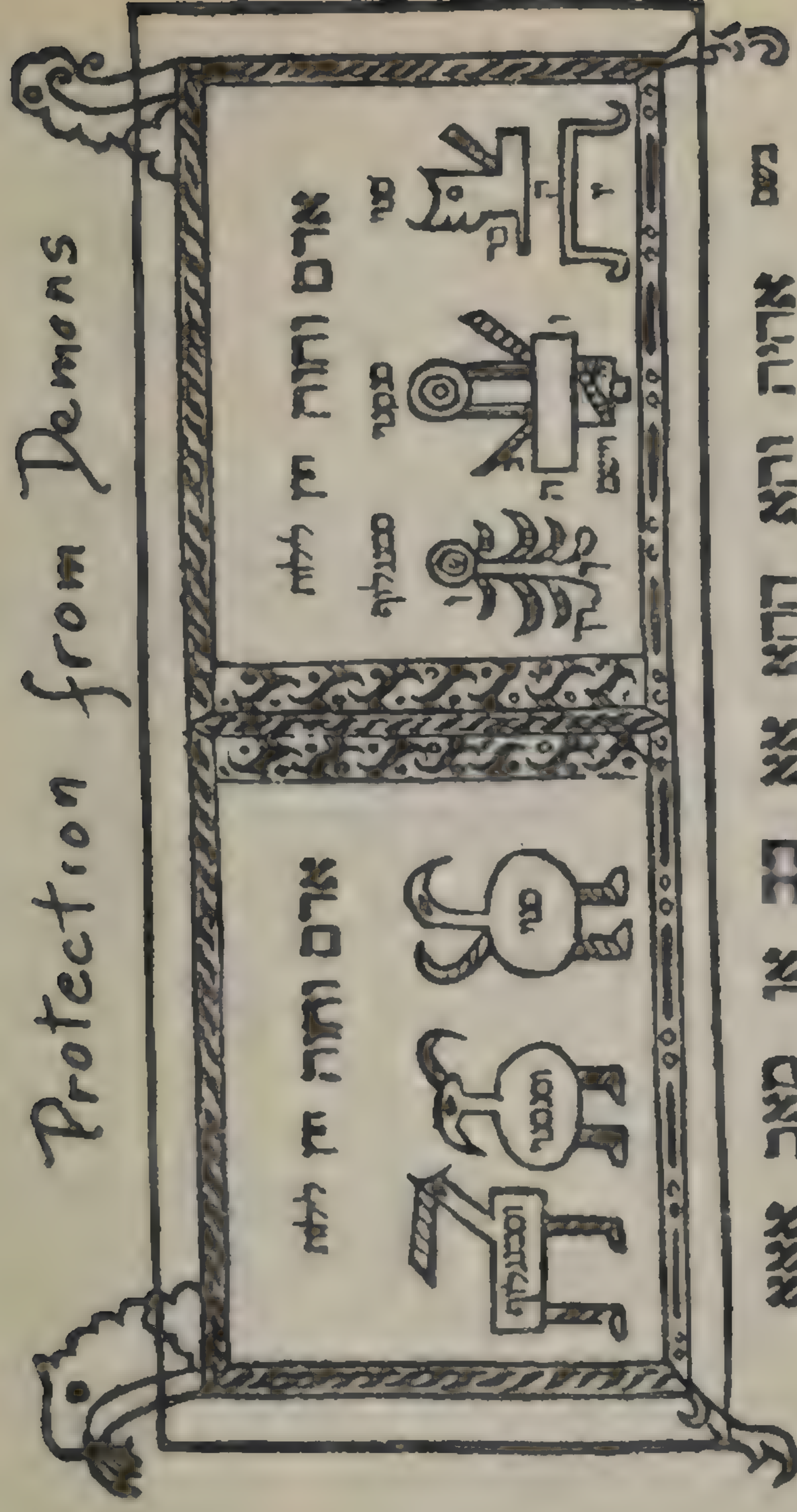


This Amulet, on which *זוהר* from Psalm xiv. 5 is permuted, contains space for a short prayer to be written in, expressive of the particular object to be obtained, and is recommended for use in furthering all business enterprises. It contains the usual shield of David with *ש. ה.* It must be written upon parchment, and worn on the left side.

Shield of David in Sorcery
Charms as are clearly useless ("Novellæ" on Shab. 67). In Germany, red cords with corals were worn as protection against the evil eye. Christians employed Jews to make amulets for them; for these had the reputation of being "wise folk." Strangely enough, in the later Middle Ages, Jews attached to their arms, where the phylacteries were applied, amulets containing the names of Christ and the three holy kings (Berliner, "Aus dem Leben der Deutschen Juden im Mittelalter," pp. 97, 101). Insanity or epilepsy was cured by hanging beads around the patient's neck. People were warned, however, that the preparation of these amulets would irritate demons. Against miscarriage women carried a stone around the neck, called *אנקונתא*, a word evidently derived from the French *enclinte*; a hole was pierced through it; it was as large and as heavy as a hen's egg. These stones, which had a glazed appearance, were found in the fields, and were esteemed of priceless value. A similar purpose was served in antiquity as well as in the Middle Ages by *actites*. For lightening labor, both Jewish and Christian women wore a piece of a man's vest; girdle, or other clothing. Luther relates that a Jew presented Duke Albert of Saxony with a button, curiously inscribed, which would protect against cold steel, stabbing, or shooting. The duke made the experiment on the Jew, hanging the button around his neck and then slashing him with a sword (Güdemann, "Gesch. des Erziehungswesens und der Cultur der Juden in Frankreich und Deutschland," pp. 205, 207, 214, 226, Vienna, 1880). The Italian coin, with its abracadabra-like inscription, described by Güdemann ("Gesch. d. Erz. und der Cultur der Jud. in Italien," p. 385), was probably of Jewish, and not of Christian, origin. The medallion bears on the one side the words below, the

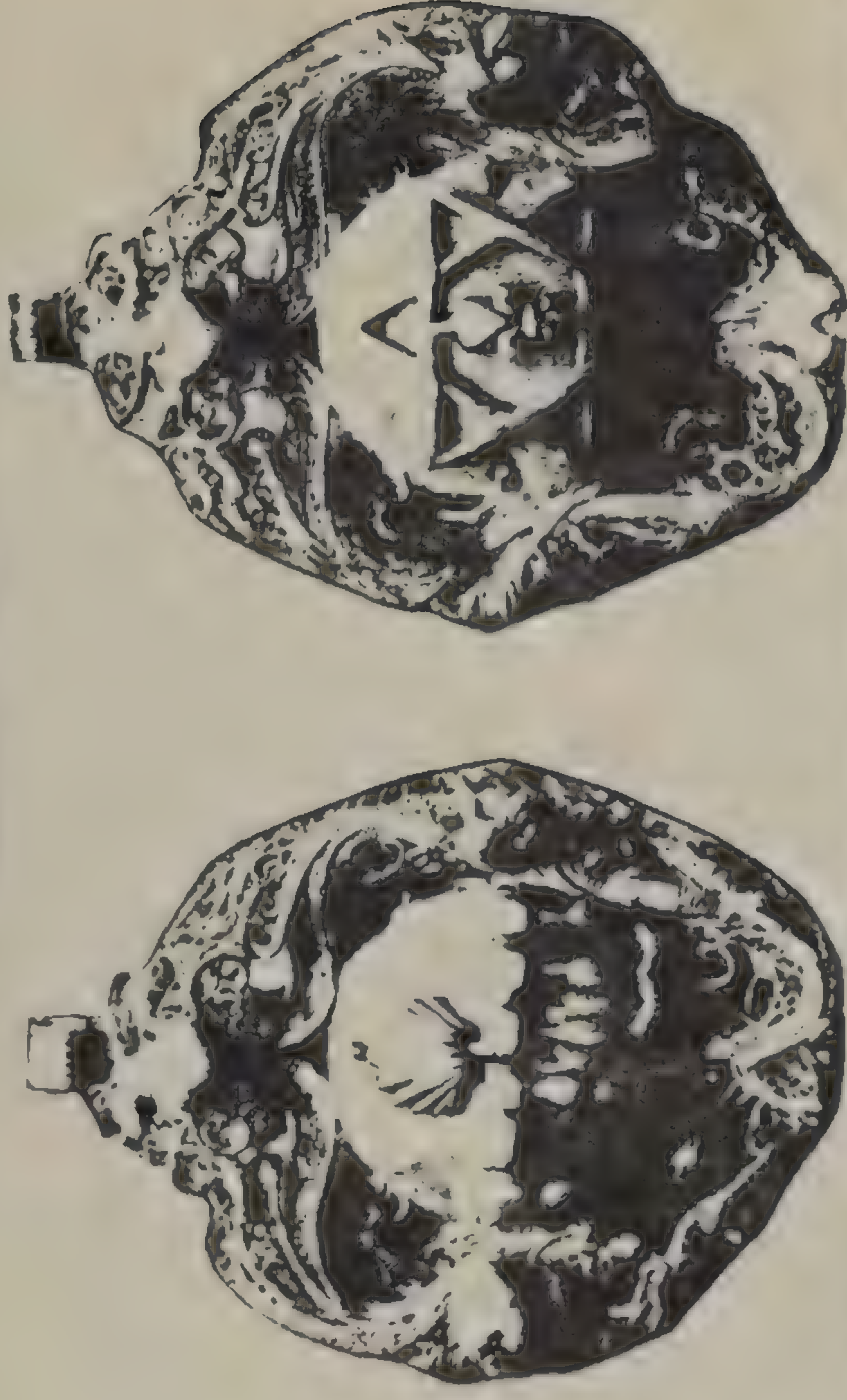
מאחזקתא דיהוה
הוניה דומיני
מחי אני מום
בהנינוס
מיהי
פאנאמא

Protection from Demons

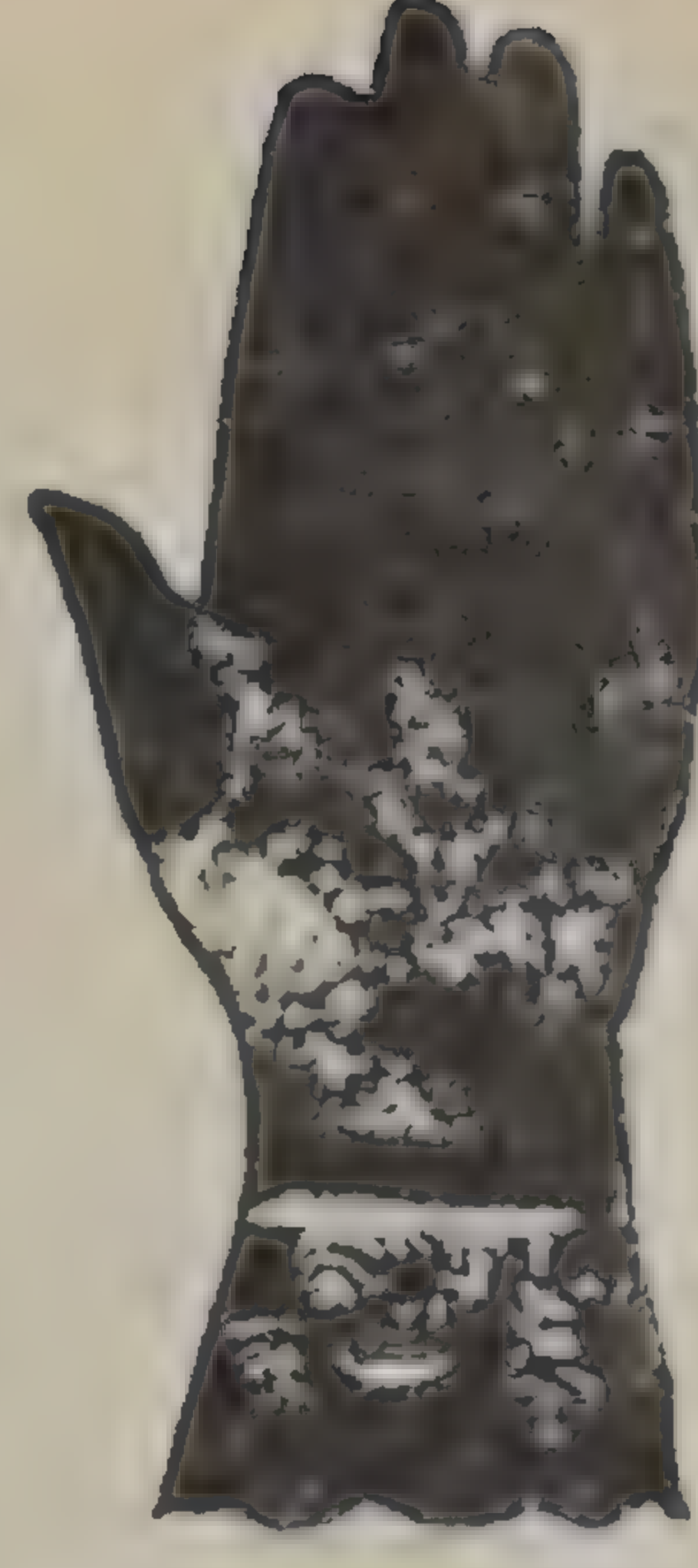
[illegible]

1. A VILET FOR PROTECTION AGAINST ILLITH.

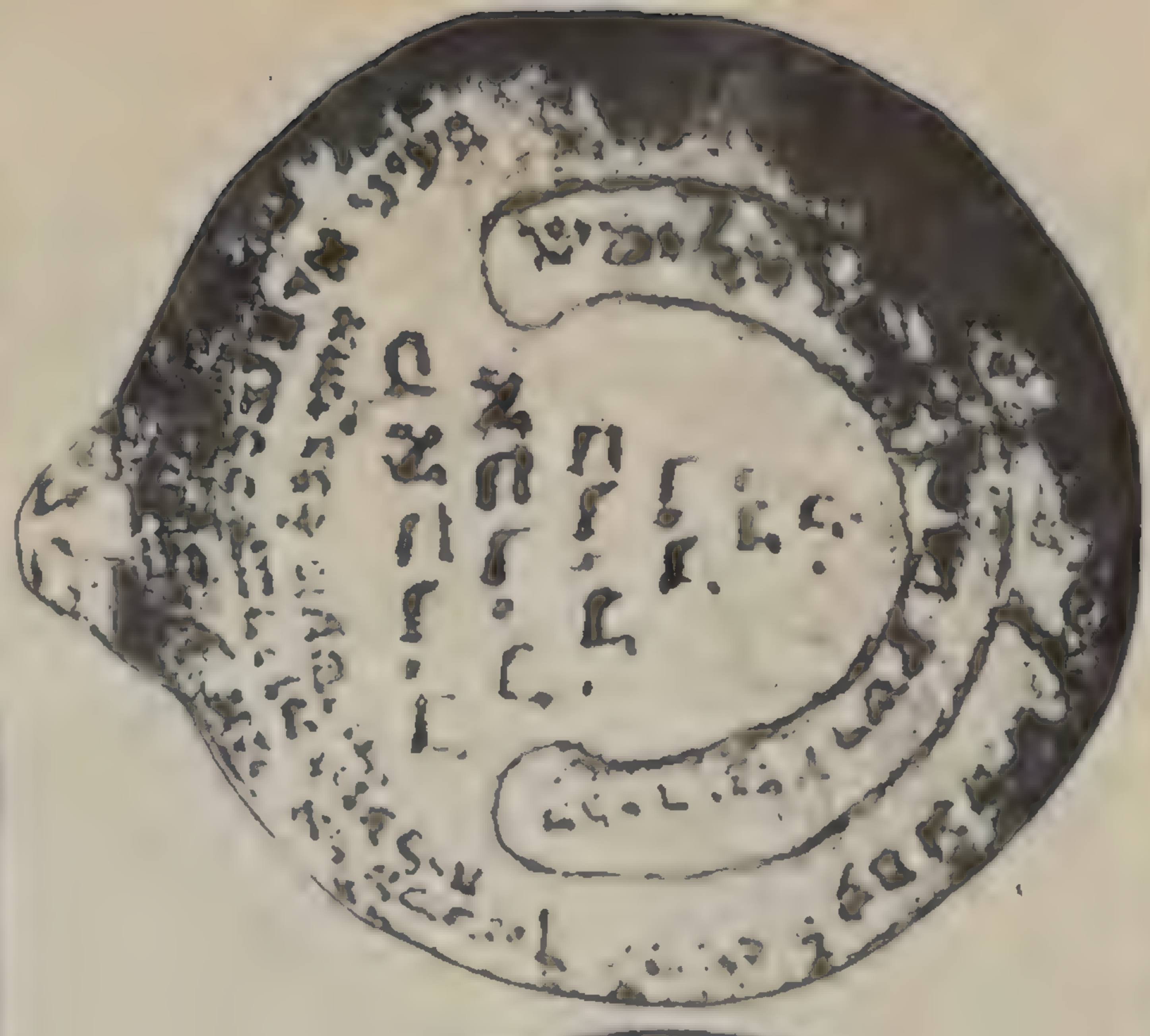
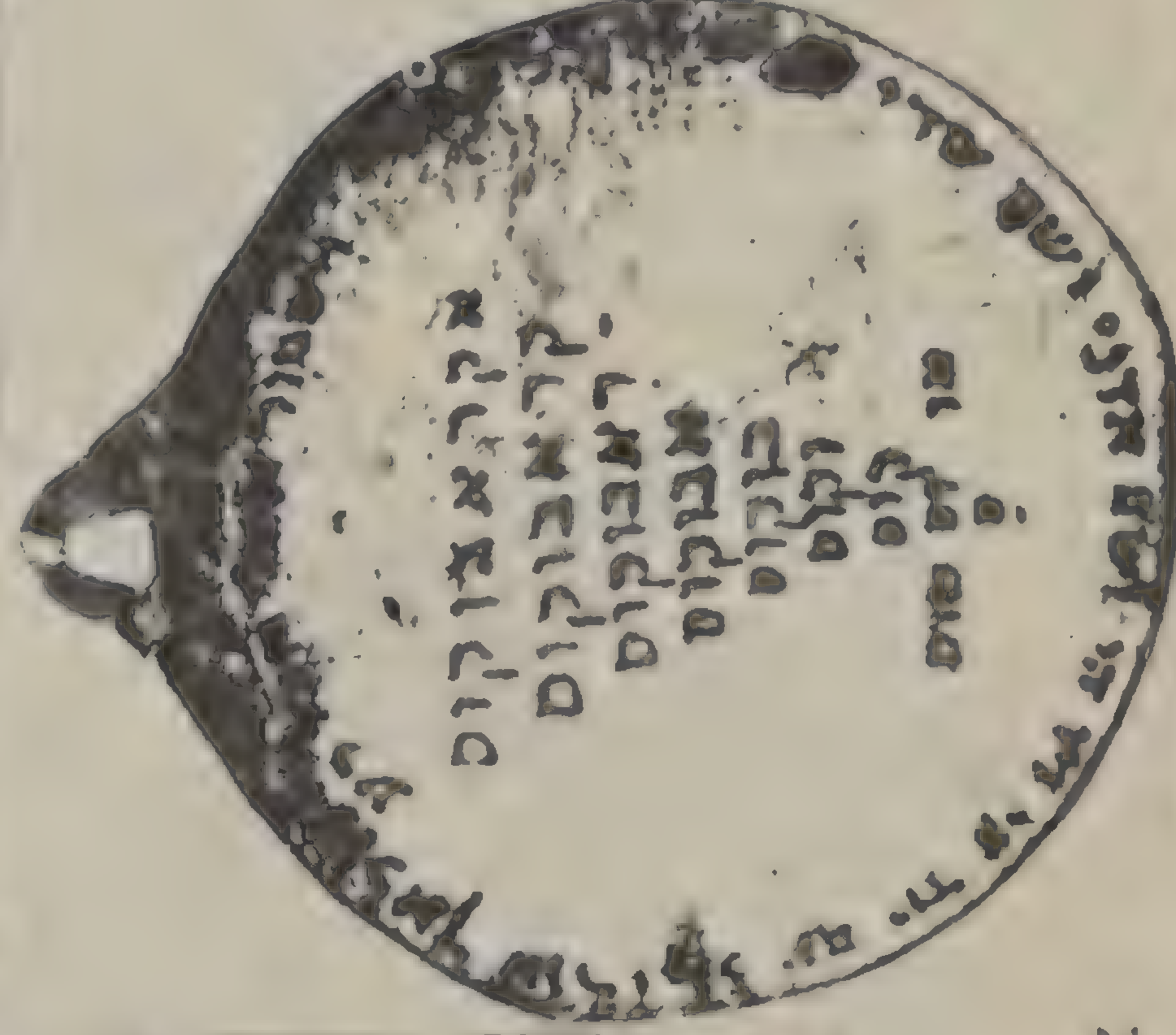
(From the "Order Book".)



2. SILVER MEDALLION WITH "S" ON OVERSE, AND DAVID'S SHIELD ENCLOSING FIER-DE-LIS ON REVERSE. $2\frac{3}{8}$ x $1\frac{7}{8}$ in.



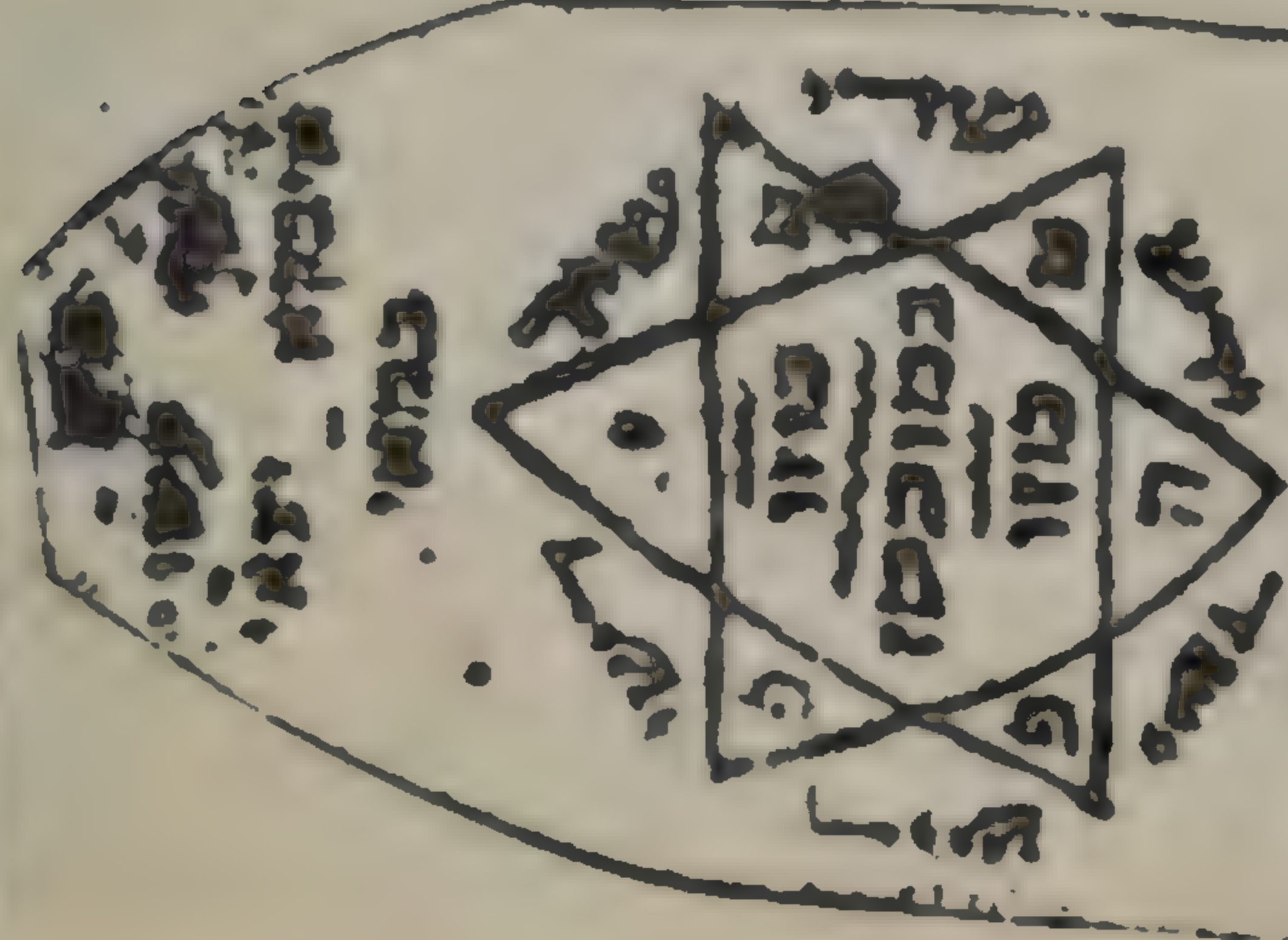
3. GOLDEN HAND USED FOR PROTECTION AGAINST THE "EVIL EYE," WITH "3" IN THE PALM. $2\frac{1}{4} \times 1$ in.



4. PARCHMENT WITH INVERTED PYRAMIDAL INSCRIPTION AFTER THE STYLE OF ABRACADABRA.
Diameter $1\frac{1}{8}$ in.

Jewish Encyclopedia

AMULETS

[illegible]

| | | | |
|---|---|---|---|
| 2 | 7 | • | 7 |
| 7 | • | 7 | • |
| • | 7 | • | 7 |
| 7 | • | 7 | • |

五

10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525
 526
 527
 528
 529
 530
 531
 532

A PARCEMENT WITH PRIVITY.
 THOSE OF 'עַד, דָּפֵי, AND
 אֲדָרָה. 914 X 134. 10.

[Plates 2, 3, 4, and 5 reproduced by courtesy
of the UNITED STATES NATIONAL MU-
SEUM, Washington, D. C.]

"Bezalel knew how to combine [קוים] the letters by which heaven and earth were created" (Ber. 58a), and the saying of R. Judah b. Nat (Men. 29b), quoted, with similar sayings of Rab, in Bacher, "Ag. Rab. Amor." pp. 18, 19—is here proved to be an old cabalistic conception. In fact, the belief in the magic power of the letters of the Tetragrammaton and other names of the Deity (compare Enoch, xi. 3 *et seq.*; Prayer of Manasses; Kid. 71a; Eccl. R. iii. 11; Yer. Hag. ii. 77c) seems to have originated in Chaldaea (see Lenormant, "Chaldean Magic," pp. 29, 43). Whatever, then, the theurgic Cabala was, which, under the name of "Sefer (or 'Ililkot) Yezirah," induced Babylonian rabbis of the fourth century to "create a calf by magic" (Sanh. 65b, 67b; Zunz, "G. V." 2d ed., p. 174, by a false rationalism ignores or fails to account for a simple though strange fact!), an ancient tradition seems to have coupled the name of this theurgic "Sefer Yezirah" with the name of Abraham as one accredited with the possession of esoteric wisdom and theurgic powers (see ABRAHAM, APOCALYPSE OF, and ABRAHAM, TESTAMENT OF; Beer, "Das Leben Abrahams," pp. 207 *et seq.*; and especially Testament of Abraham, Recension B, vi., xviii.; compare Kohler, in "Jew. Quart. Rev." vii. 584, note). As stated by Jellinek ("Beiträge zur Kabbalah," i. 3), the very fact that Abraham, and not a Talmudical hero like AKIBA, is introduced in the "Sefer Yezirah," at the close, as possessor of the Wisdom of the Alphabet, indicates an old tradition, if not the antiquity of the book itself.

The "wonders of the Creative Wisdom" can also be traced from the "Sefer Yezirah," back to Ben Sira, *l.c.*; Enoch, xlii. 1, xlvi. 1, lxxxii. 2, xcii. 1; Slavonic Enoch, xxx. 8, xxxiii. 8 (see Charles's note for further parallels); IV Esdras xiv. 46; Sofah xv. 3; (and the Merkabah-travels to Test. Abraham, x.; Test. Job, xi. (see Kohler, in Kohut Memorial Volume, pp. 282-288); and the Baruch Apocalypse throughout, and even II Macc. vii. 22, 28, betray cabalistic traditions and terminologies.

But especially does Gnosticism testify to the antiquity of the Cabala. Of Chaldean origin, suggested by Kessler (see "Mandaëans,"

Gnosticism in Herzog-Hauck, "Real-Encyc." and definitively shown by Anz ("Die Frage nach dem Ursprung des Gnostizismus," 1879), Gnosticism was Jewish in character long before it became Christian (see Joel, "Blicke in die Religionsgeschichte," etc., 1880, i. 208; Hönig, "Die Ophiten," 1880; Friedländer, "Der Vorchristliche Jüdische Gnostizismus," 1898; idem, "Der Antichrist," 1901). Gnosticism—that is, the cabalistic "Hokmah" (wisdom), translated into "Madda'" (Aramaic, "Manda'" = knowledge of things divine)—seems to have been the first attempt on the part of the Jewish sages to give the empirical mystic lore, with the help of Platonic and Pythagorean or Stoic ideas, a speculative turn; hence the danger of heresy from which Akiba and Ben Zoma strove to extricate themselves, and of which the systems of Philo, an adept in Cabala, (see "De Cherubim," 14; "De Sacrificiis Abelis et Caini," 15; "De Eo Quod Deterius Potiori Insidiatur," 48; "Quis Rerum Divinarum Heres Sit," 22), and of PAUL (see Matter,

"History of Gnosticism," ii.), show many pitfalls (see Gnosticism, MISM). It was the ancient Cabala which, while allegorizing the Song of Songs, spoke of ADAM KAMON, or the God-man, of the "BUDE of God," and hence of "the mystery of the union of powers" in God (see Conybeare, "Philo's Contemporary Life," p. 304), before Philo, Paul, the Christian Gnostics, and the medieval Cabala did. Speculative Cabala of old (IV Esd. iii. 21; Wisdom ii. 24) spoke of "the germ of poison from the serpent transmitted from Adam to all generations" (שור 70711) before Paul and R. Johanan ('Ab. Zarah 22b) referred to it. And while the Gnostic classification of souls into pneumatic, psychic, and hylic ones can be traced back to Plato (see Joel, *l.c.* p. 132), Paul was not the first (or only one) to adopt it in his system (see Hag. 14b; Cant. R. i. 3, quoted by Joel; compare Gen. R. xiv., where the five names for the soul are dwelt upon).

The whole dualistic system of good and of evil powers, which goes back to Zoroastrianism and ultimately to old Chaldea, can be traced through Gnosticism; having influenced the cosmology of the ancient Cabala before it reached the medieval one. So is the conception, underlying the cabalistic tree, of the right side being the source of light

Cabalistic and purity, and the left the source of darkness and impurity ("sitra yemina

we sitra ahara), found among the Gnostics (see Irenæus, "Adversus Hæreses," i. 5, § 1; 11, § 2; ii. 24, § 6; Epiphanius, "Hæreses," xxxii. 1, 2; "Clementine Homilies," vii. 3; compare Cant. R. i. 9; Matt. xxv. 33; Plutarch, "De Isike," 48; Anz, *l.c.* 111). The fact also that the "Kelippot" (the scalings of impurity), which are so prominent in the medieval Cabala, are found in the old Babylonian incantations (see Sayce, "Hibbert Lectures," 1887, p. 472; Deitzsch, "Assyrisches Wörterbuch," s. v. קלפ), is evidence in favor of the antiquity of most of the cabalistic material.

It stands to reason that the secrets of the theurgic Cabala are not lightly divulged; and yet the Testament of Solomon recently brought to light the whole system of conjuration of angels and demons, by which the evil spirits were exorcised; even the magic sign or seal of King Solomon, known to the medieval Jew as the SHIELD OF DAVID, has been resurrected (see Conybeare, in "Jew. Quart. Rev." xi. 1-45; also EXORCISM).

To the same class belongs the "Sefer Refu'ot" (The Book of Healing), containing the prescriptions against all the diseases inflicted by demons, which Noah wrote according to the instructions given by the angel Raphael and handed over to his son Shem (Book of Jubilees, x. 1-14; Jellinek, "B. H." iii. 155-160; Introduction, p. xxx.). It was identified with the "Sefer Refu'ot" in possession of King Solomon and hidden afterward by King Hezekiah (see Pes. iv. 9, 56a; "B. H." *l.c.* p. 160; Josephus, "Ant." viii. 2, § 5; compare idem, "B. J." ii. 8, § 6, and the extensive literature in Schürer, "Gesch. des Volkes Israel," 3d ed., iii. 2, *et seq.*), whereas the secret of the black art, or of healing by demonic powers, was transmitted to heathen tribes, to "the sons of Keturah" (Sanh. 91a) or the AMORITES (compare Enoch, x. 7).

See *Pharisees and Merkabah*
EXH. 284

as Kayserling holds ("Moses Mendelssohn," p. 481, Leipzig, 1888), "a poetical presentation of Solomon Maimon," seems to be conclusive. An anonymous writer in "Ha-Karmel" (1872, p. 462) relates that Abba lived in Glusk, near Lublin, and was well remembered by its old inhabitants. Max Letteris quotes a parody which Abba is said to have improvised on the occasion of his being thrown down a flight of stairs by the impetuous Jacob Emden in Altona. A study of Abba Glusk appeared in the "Vossische Zeitung" (Aug. 30, 1885), in which are reproduced several interesting anecdotes, especially of Abba's troubles with the unfriendly representatives of the Berlin community, and later with the police of that city. It seems that after wandering aimlessly in various Western countries, Abba returned in his old age to Poland, after which all trace of him was lost.

BIBLIOGRAPHY: Letteris, in *Ha-Maggid*, v. 21, No. 7; Kohut, *Moses Mendelssohn und Seine Familie*, p. 51, Dresden and Leipzig, 1886.
H. R.

GNAT. See FLY; INSECTS. *!derives*

GNESEN. See POSEN.

GNOSIS. See GNOSTICISM.

GNOSTICISM An esoteric system of theology and philosophy. It presents one of the most obscure and complicated problems in the general history of religion. It forced itself into prominence in the first centuries of the common era, and the Church Fathers were constrained to undertake its refutation. Writers on the history and dogmas of the Church have therefore always devoted much attention to the subject, endeavoring to fathom and define its nature and importance. It has proved even more attractive to the general historians of religion, and has resulted during the last quarter of a century in a voluminous literature, enumerated by Herzog-Hauck ("Real-Encyc." vi. 728). Its prominent characteristic being syncretism, the scholars, according to their various points of view, have sought its origin, some in Hellenism (Orphism), some in Babylonia, others elsewhere. This question, however, can not be discussed here, as this article deals with purely Jewish gnosticism.

Jewish gnosticism unquestionably antedates Christianity, for Biblical exegesis had already reached an age of five hundred years by the first century C.E. Judaism had been in close contact with Babylonian-Persian ideas for at least that length of time, and for nearly as long a period with Hellenistic ideas. Magic, also, which as will be shown further on, was a not unimportant part of the doctrines and manifestations of gnosticism, largely occupied Jewish thinkers. There is, in general, no circle of ideas to which elements of gnosticism have been traced, and with which the Jews were not acquainted. It is a noteworthy fact that heads of gnostic schools and founders of gnostic systems are designated as Jews by the Church Fathers. Some derive all heresies, including those of gnosticism, from Judaism (Hegesippus in Eusebius, "Hist. Eccl." iv. 22; comp. Harnack, "Dogmengesch." 3d ed. i. 232, note 1). It must furthermore be noted that Hebrew words and names of God provide the skeleton for

several gnostic systems. Christians or Jews converted from paganism would have used as the foundation of their systems terms borrowed from the Greek or Syrian translations of the Bible. This fact proves at least that the principal elements of gnosticism were derived from Jewish speculation, while it does not preclude the possibility of new wine having been poured into old bottles.

Cosmogonic - theological speculations, philosophemes on God and the world, constitute the substance of gnosis. They are based on the first sections of Genesis and Ezekiel,

Pre-Christian. for which there are in Jewish speculation two well-established and therefore old terms: "Ma'aseh Bereshit" and "Ma'aseh Merkabah." Doubtless Ben Sira was thinking of these speculations when he uttered the warning: "Seek not things that are too hard for thee, and search not out things that are above thy strength. The things that have been commanded thee, think thereupon; for thou hast no need of the things that are secret" (Ecclus. [Sirach] iii. 21-22, R. V.). The terms here emphasized recur in the Talmud in the accounts of gnosis. "There is no doubt that a Jewish gnosticism existed before a Christian or a Judeo-Christian gnosticism. As may be seen even in the apocalypses, since the second century B.C. gnostic thought was bound up with Judaism, which had accepted Babylonian and Syrian doctrines; but the relation of this Jewish gnosticism to Christian gnosticism may, perhaps, no longer be explained" (Harnack, "Geschichte der Altchristlichen Litteratur," p. 144). The great age of Jewish gnosticism is further indicated by the authentic statement that Johanan b. Zakkai, who was born probably in the century before the common era, and was, according to Sukkah 28a, versed in that science, refers to an interdiction against "discussing the Creation before two pupils and the throne-chariot before one."

In consequence of this interdiction, notwithstanding the great age and the resulting high development of Jewish gnosticism, only fragments of it have been preserved in the earlier portions of traditional literature. The doctrines that were to be kept secret were of course not discussed, but they were occasionally touched upon in passing. Such casual references, however, are not sufficient to permit any conclusions with regard to a Jewish gnostic system. If such a system ever existed (which may be assumed, although the Jewish mind has in general no special predilection for systems), it surely existed in the form of comments on the story of Creation and on Ezekiel's vision of the throne-chariot. It is even probable that the carefully guarded doctrines lost much of their terrifying secrecy in the course of the centuries, and became the subject of discussion among the adepts. Magic, at first approached with fear, likewise loses its terrifying aspects as the circle of its disciples enlarges. The same thing happened in the case of gnosticism, which was itself largely colored by magic. Hence it may be assumed that the scattered references of the amoraim of the third to the fifth century C.E., which in view of the statements made by the heresiologists of the Christian Church are recognized as being gnostic in nature,

Sources.

ments of it have been preserved in the earlier portions of traditional literature. The doctrines that were to be kept secret were of course not discussed, but they were occasionally touched upon in passing. Such casual references, however, are not sufficient to permit any conclusions with regard to a Jewish gnostic system. If such a system ever existed (which may be assumed, although the Jewish mind has in general no special predilection for systems), it surely existed in the form of comments on the story of Creation and on Ezekiel's vision of the throne-chariot. It is even probable that the carefully guarded doctrines lost much of their terrifying secrecy in the course of the centuries, and became the subject of discussion among the adepts. Magic, at first approached with fear, likewise loses its terrifying aspects as the circle of its disciples enlarges. The same thing happened in the case of gnosticism, which was itself largely colored by magic. Hence it may be assumed that the scattered references of the amoraim of the third to the fifth century C.E., which in view of the statements made by the heresiologists of the Christian Church are recognized as being gnostic in nature,

contain much older gnostic thought. They are quoted in the names of later scribes only because the latter modified the ideas in question or connected them with passages of Scripture, and not because they were the authors of them or the originators of the system. It is also highly probable that a not inconsiderable part of the earliest Jewish gnostics is still extant, though in somewhat modified form, in the mystical small midrashim that have been collected in Jellinek's "Bet ha-Midrash," and in the medieval products of the Jewish Cabala. Although at present means are not at hand to distinguish the earlier from the later elements, it is undeniable that the devotees of secret science and magic in general can not be easily exterminated, though they may seem to disappear from time to time. Krochmal, and after him Joel, have already pointed out gnostic doctrines in the Zohar. Further investigation will show the relationship of gnosticism to the Cabala, as well as that of both to magic in general. X

In the gnosticism of the second century "three elements must be observed, the speculative and

philosophical, the ritualistic and mystical, Definition tical, and the practical and ascetic." and Termini- (Harnack, *l.c.* p. 319). These three elements may all be traced to Jewish

sources. The ritualistic and mystical clement, however, was here much less developed than in Judeo-Christian and Christian gnosticism, as the liturgical worship and the religio-legal life had been definitely formulated for many ages. Although very clear traces of it exist, it is difficult to determine exactly the limits of gnosis and to distinguish between what belongs to its domain and what to the domains of theology and magic. This difficulty is due to the nature of gnosis itself, the chief characteristic of which is syncretism, and also to the nature of the Jewish sources, which do not deal with definite problems, but with various questions indiscriminately. If the gnostic systems were not known through other sources, the statements relating to them in the rabbinical works could not be recognized. These elements were, in fact, discovered only in the first half of the last century (Krochmal, Grätz), and new ones have been ascertained by more recent investigators (Joel, Friedländer, etc.); much, however, still remains to be done.

The speculations concerning the Creation and the heavenly throne-chariot (*i.e.*, concerning the dwelling-place and the nature of God), or, in other words, the philosophizings on heaven and earth, are expressly designated as gnostic. The principal passage with reference thereto is as follows: "Forbidden marriages must not be discussed before three, nor the Creation before two, nor the throne-chariot even before one, unless he be a sage who comprehends in virtue of his own knowledge ["hakam u-mebin mi-da'ato"]. Whoever regards four things would better not have been born: the things above, the things below, the things that were before, and the things that shall be. Whoever has no regard for the honor of his God would better not have been born" (Hag. ii. 1). As Johanan b. Zakkai refers to this interdiction, it must have been formulated in pre-Christian times (Tosef., Hag. ii. 1, and parallels). The characteristic words "hakam u-mebin mi-da'ato" occur here, corre-

sponding to the Greek designations *γνῶσις* and *μυστήριον* (I Tim. vi. 20; I Cor. viii. 1-8). The threefold variation of the verb *יָדַע* in the following passage is most remarkable: "In order that one may know and make known and that it become known, that the same is the God, the Maker, and the Creator" (Abot iv. end; Krochmal, "Moreh Nebuke ha-Zeman," p. 208); these words clearly indicate the gnostic distinction between "God" and the "demiurge." "Not their knowledge but my knowledge" (Hag. 15b), is an allusion to gnosis, as is also the statement that man has insight like angels (Gen. R. viii. 11 [ed. Theodor, p. 65, § 20]). These expressions also occur elsewhere, while *γνῶσις* and *μυστήριος* are not found once in the rabbinical vocabulary, though it has borrowed about 1,500 words from the Greek; it may be concluded, therefore, that these speculations are genuinely Jewish. In classical Greek *γνῶσις* does not mean "one who knows," but "that which is to be known"; hence the technical term may even have been coined under Jewish influence.

Gnosis was originally a secret science imparted only to the initiated (for instance, Basilides, in Epiphanius, "Hæreses," xxiv. 5) who had to bind themselves by oath, *ἀπόρητα φελάσαι τὰ τῆς δόξας*.

A Secret Science. Hippolytus, "Philosophoumena," v. 24; comp. *ib.* v. 7: *ἀπόρητος λόγος καὶ μυστήριος*; also Wobbermin, "Religions-

geschichte Studien zur Frage der Beeinflussung des Urchristenthums Durch das Antike Mysterienwesen," p. 149; and Anrich, "Das Antike Mysterienwesen in seinem Einfluss auf das Christenthum," p. 79). The gnostics schools and societies, however, could not have made very great demands on their adherents, or they could not have increased enough to endanger the Church as they did. The Pneumatics, who formed a closed community, endeavored to enlarge it (Herzog-Hauck, *l.c.* vi. 784). Indeed, most gnostic sects probably carried on an open propaganda, and the same may be observed in the case of Jewish gnosticism. The chief passages, quoted above, forbid in general the teaching of this system, and Eleazar (3d cent.) refused in fact to let Johanan (d. 279) teach him it. Origen, who lived at the same time in Palestine, also knew the "Merkabah" as a secret science ("Contra Celsum," vi. 18; comp. Friedländer, "Der Vorchristliche Jüdische Gnosticismus," pp. 51-57, on Philo and the conditions of being initiated). Joseph, the Babylonian amora (d. 322), studied the "Merkabah"; the ancients of Pumbedita studied "the story of the Creation" (Hag. 13a). As they studied it together, they were no longer strict in preserving secrecy. Still less concealment was there in post-Talmudic times, and hardly any in the Middle Ages. Philosophy never has been hedged with secrecy, and the mandate of secrecy reminds one of the *κρίβει*, *κρίβε* of the magic papyri. Gnosis was concealed because it might prove disastrous to the unworthy and uninitiated, like magic formulas. By "correct knowledge" the upper and the lower world may be put in motion. When Eleazar was discussing the throne-chariot, fire came down from heaven and flamed around those present; the attending angels danced before them, like wedding-guests before the groom, and the trees intoned songs of praise. When Eliezer

and Joshua were studying the Bible, "fire came down from heaven and flamed around them," so that the father of Elisha b. Abuyah, the gnostic referred to below, asked affrightedly: "Do you mean to set my house on fire?" (Yer. Hag. 77a, b; comp. Lev. R. xvi. 4; Friedländer, "Der Vorchristliche Jüdische Gnosticismus," p. 59). These men were all pupils of Johanan b. Zakkai. When two other scholars interpreted the Merkabah the earth shook and a rainbow appeared in the clouds, although it was summer. These stories indicate that this secret doctrine revealed the eternally acting media of the creation of heaven and earth.

Knowledge of this kind was dangerous for the uninitiated and unworthy. When a boy read the Merkabah (Ezek. i.) before his teacher and "entered the hashmal with his knowledge" [חַמָּה בְּכִשְׁלִי], fire came out of the hashmal [comp. Ezek. i. 4, "as hashmal out of the fire"] and consumed him [Hag. 13a], for the boy was one who knew [חכם] and consumed him [Hag. 13a]. Gnosis is neither pure philosophy nor pure religion, but a combination of the two with magic, the latter being the dominant element, as it was the beginning of all religion and philosophy. The expression "to shake the world," used by the gnostic Bar Zoma (Gen. R. ii. 4, and parallels), reminds one of the origins of gnosis. The phrase "to trim the plants," occurring in the second leading passage on Jewish gnosticism, quoted below, must be noted here, for it refers, of course, to the influencing of the heavenly world by gnostic means.

The ophitic diagram that Krochmal shows in the pictures that "may not be looked upon" (Tosef.,

Shab., and parallels), is evidently derived from magic, for the cabalistic

Gnostic Signs. sign of the pentagram is found on one of the earliest shards (Bliss and Mac-

alister, "Excavations in Palestine During the Years 1898-1900," plates 29, 42; Dr. Emaus, in "Vajda, Magyar Zsidó Szemle," xvii. 315 *et seq.*). A mere reference to this view must suffice here; its importance has been noted by Anrich, *l.c.* pp. 86-87; it points the way to an understanding of Jewish gnosis. A few interesting examples may be given here. The following passage occurs in the Berlin Papyrus, i. 20, Parthey: "Take milk and honey and taste them, and something divine will be in your heart." The Talmud, curiously enough (Hag. 13a), refers the phrase, "Honey and milk are under thy tongue" (Cant. iv. 11), to the Merkabah, one of the principal parts of Jewish gnosis, saying that the knowledge of the Merkabah, which is sweeter than milk and honey, shall remain under the tongue, meaning that it shall not be taught (comp. Dietrich, "Abraxas," p. 157: "honey and milk must be offered"). The Valentinians taught that in order to attain salvation the pneumatic required nothing further "than gnosis and the formulae [ἐπιρήματα] of the mysteries" (Epiphanius, "Hereses," xxxi. 7).

"Four scholars, Ben Azzai, Ben Zoma, Aher [Elisha b. Abuyah], and Rabbi Akiba, entered paradise [עֲדַרַּב = παράδεισος]; Ben Azzai beheld it and died; Ben Zoma beheld it and went mad; Aher beheld it and trimmed the plants; Akiba went in and came out in peace" (Tosef., Hag. ii. 8; Hag. 14b; Yer. Hag. 77b; Cant. R. i. 4). The entering into

paradise must be taken literally, as Blau points out ("Altjüdisches Zaubrwesen," pp. 115 *et seq.*).

The following proof may be added to those given there: "In the beginning

Who of the Paris Papyrus is that great ana-

Entered θανταμοῦς, in which the mystic rises

Paradise. above stars and suns ἐν ἐκστάσει οὐκ ἐν

ἐντὸς αὐτῶ, near to the Godhead. By

such art Iamblichus, freed from his body, endeavored to enter the felicity of the gods [De Mysteriorum, i. 12], and thus his slaves said that they had seen him, ten

ells above the earth, his body and garments gleam-

ing in golden beauty" (Dietrich, *l.c.* p. 152). Paul

(II Cor. xii. 1-4) speaks similarly of paradise, a pas-

sage that Joel ("Die Religionsgesch." i. 168, note 8)

misinterprets as a "picture of gnosis." This instruct-

ive passage is as follows: "It is not expedient for

me, doubtless, to glory. I will come to visions and

revelations of the Lord. I knew a man in Christ

above fourteen years ago (whether in the body, I

can not tell; or whether out of the body, I can not

tell; God knoweth); such an one caught up to the

third heaven. And I know such a man. . . . How

that he was caught up into paradise, and heard un-

speakable words, which it is not lawful for a man

to utter."

Philo says, similarly: "Some one might ask, 'If true holiness consists in imitating the deeds of God, why should I be forbidden to plant a grove in the sanctuary of God, since God did the same thing when

He planted a garden?' . . . While

God plants and sows the beautiful in

the soul, the spirit sins, saying, 'I

Plants. plant'" ("De Allegoriis Legum," §§ 52

et seq.; ed. Mangey, §§ 117 *et seq.*).

Philo here speaks also of trimming the trees. It is

evident that this is the language of gnosis, but the

words are used allegorically, as in Scripture. The

literal interpretation here is perhaps also the correct

one. The mystic imitates God, as Philo says, in

planting a grove—that is, the mystic becomes him-

self a creator. He likewise has the power to des-

troys. There were books on the plants of the seven

planets—for example, a work by Hermes, Βοτάναι

τῶν Ἀποστόλων (Dietrich, *l.c.* p. 157, note 1). Hence

the planets were also regarded as "plantations," and

Aher's "trimming of the plants" in paradise must

be interpreted in this sense. Berechiah (4th cent.)

interpreted the words of Canticles i. 4, "God brought

me into his apartments," to refer to the mysteries of

the Creation and the throne of God (Cant. R. *ad loc.*;

Bacher, "Ag. Bab. Amor." iii. 356). Hence he re-

garded the knowledge of the Merkabah as an enter-

ing of the apartments of God, or as entering the

"Pardes." Akiba says to his companions who have

entered paradise "When you come to the pure

marble stones, do not say, 'Water, water!' for of

this it is said (Ps. ci. 7): 'He that worketh deceit

shall not dwell within my house'" (Hag. xiv. 6).

"Ben Zoma stood and pondered; R. Joshua passed

him and addressed him once and twice, but received

no answer. The third time he answered quickly.

Then Joshua said to him: 'Whence the feet [פְּתָוִט

לְיָנוּסִים]?' He answered, 'Nothing "whence," my

master.' Then R. Joshua said, 'I call heaven and

earth to witness that I will not stir from this place

and to be made known that He is the God, the God, the Maker, the Creator, the Prudent, the Judge . . . that He shall judge . . . for all belongs to Him. If thy bad inclination assures thee that the nether world will be thy refuge, [know] that thou hast been created and born against thy will, that thou wilt live and die against thy will, and that thou wilt give account before the King of Kings against thy will." The belief in a "prince of the world" is a reflex of the demiurge. When God said, "I arrange everything after its kind," the prince of the world sang a song of praise (Hul. 60a). It was he that recited Pa. xxxvii. 25, for it is he, not God, who lives only since the Creation (Yeb. 16b). He desired God to make King Hezekiah the Messiah, but God said, "That is my secret"; God would not reveal to the demiurge His intentions in regard to Israel (Sanh. 94a; comp. Krochmal, *l.c.* p. 202).

The two powers ("shete reshuyot"), a good and an evil, are often mentioned. In order to explain evil in the world the gnostics assumed two principles, which, however, are not identical with the Mazdean dualism (comp. Yer. Ber., end; Krochmal, *l.c.* p. 208, note; Hul. Principles. 87a; Friedländer, *l.c.* pp. 80 *et seq.*).

On dualisms, trinities, eight powers ("dyas," "tetras," "ogdoas"), see Hilgenfeld, *l.c.* pp. 286 *et seq.* Hypostases often occur (Krochmal, *l.c.* p. 205). God has two thrones, one for judgment, and one for "zedakah" (benevolence, justice, and mercy; Hag. 14a).

The official view, and certainly also the common one, was that founded on Scripture, that God called the world into being by His word (see Ps. xxxiii. 6, 9: "By the word of the Lord were the heavens made; and all the host of them by the breath of his mouth. For he spake and it was done; he commanded, and it stood fast"). According to tradition, however, it required merely an act of His will, and not His word (Targ. Yer. to Gen. translates "He willed," instead of "He spake"). There were materialistic ideas side by side with this spiritual view. The Torah existed 2,000 years before the Creation; it, and not man, knows what preceded Creation (Gen. R. viii. 2). It says, "I was the instrument by means of which God created the world" (Gen. R. i.). This idea is rationalized in the Haggadah by comparing the Torah with the plans of a builder. Rab (200 c. e.), a faithful preserver of Palestinian traditions, refers to the combinations of letters by means of which the world was created (Ber. 58a; Epstein, "Recherches sur le Séfer Yezirah," p. 6, note 2).

Alphabet in Talmud
The gnosis of the Palestinian Marcus conceived the world to have come into being through the permutation of letters (Grätz, "Gnosticismus und Judenthum," pp. 105 *et seq.*).

The *Sefer* universe (Vobbermin, *l.c.* p. 128). **Yezirah.** Epstein calls this view an astrological one, and he expounds it further (*l.c.* pp. 23 *et seq.*).

The several elements of the alphabet play an important rôle in this cosmologic system, a reflection of which is found in one of the Haggadah, in which the letters, beginning with the last, appear before God, requesting that the world be cre-

ated through them. They are refused, until bot appears, with which begins the story of Creation. Alef complains for twenty-six generations, and is only pacified when it heads the Decalogue (Gen. R. i. 1). It was evidently held that the world came into being with the first sound that God uttered. Johanan thought that a breath sufficed, hence the world was created by ה (Gen. R. xii.). This view is connected with another view, according to which God first caused the spirit ("ruah" = wind) to be. In the *Sefer Yezirah*, the three principal elements of the alphabet are אהה; that is, א (air), ה (water), and ה (fire); Epstein, *l.c.* pp. 24 *et seq.*). According to this conception there are three, not four, elements, as was commonly assumed after the Arabic period. Curiously enough, the second book of "Jeu," p. 195, and the "Pistis Sophia," p. 875 (quoted in Herzog-Hauck, *l.c.* vi. 734), refer to three kinds of baptism—with water, with fire, and with spirit. It is impossible to say to what extent the *Yezirah* speculations influenced the Cabala and its principal manual, the *Zohar*, as well as its prominent adepts, at the close of the Middle Ages and in modern times, as there are no special studies on the subject. Many gnostic elements, as, for example, the syzygy doctrine (in which are found father, mother, and son), have doubtless been preserved in the *Cabala*, together with magic and mysticism.

Gnosis was regarded as legitimate by Judaism. Its chain of tradition is noted in the principal passage in Hagigah, Johanan b. Zakkai

Anti-Jew- heading the list. Here is found the **ish Gnosis.** threefold division of men into hylics, psychics, and pneumatics, as among

the Valentinians. Although these names do not occur the "third group," as the highest, is specifically mentioned (Hag. 14b), as Krochmal pointed out before Joel. The ophitic diagram was also known, for the yellow circle which was upon it is mentioned (Joel, *l.c.* p. 142). Gnosis, like every other system of thought, developed along various lines; from some of these the Jewish faith, especially monotheism, was attacked, and from others Jewish morality, with regard to both of which Judaism was always very sensitive. There were gnostics who led an immoral life, Aber (Erisia Ben Abuyah) being among these, according to legendary accounts (comp. Pes. 56a; Eccl. R. i. 8; Harnack, *l.c.* pp. 166 *et seq.*; Hilgenfeld, *l.c.* pp. 244-250). But there were also gnostic sects practising asceticism (Herzog-Hauck, *l.c.* vi. 784, 755). Jose b. Halaftha seems to have belonged to one of these, for he speaks of "five plants [sons] that he planted." This is the language of gnosis. Those parties which, though within Judaism, were nevertheless inimical to it—among them Judæo-Christianity—naturally used gnosis, then the fashion of the day, as a weapon against the ruling party, official Judaism. (On the relation between Jewish and Christian gnosis see Harnack, *l.c.* p. 144, and Friedländer, *l.c.* p. 63; on antinomian gnosis see Friedländer, *l.c.* pp. 76 *et seq.*) The term "nihilism" in the Talmud often refers to gnostics, as Friedländer, and before him Krochmal and Grätz, have pointed out. The knowledge of the origin and nature of man also belonged to gnosis (Ireneus, *l.* 14. 4: *ἡ φύσις ὅθεν εἶναι*; comp. Clem. Al. Exc. ex

The noxious elements in such Ba'al-Worship were not simply the degradation of YHWH and the enthronement in his place of a baseless superstition. The chief evil arose from the fact that the Ba'als were more than mere religious fantasies.

Dangers and Evils of the Worship. They were made the symbols of the reproductive powers of nature, and thus their worship ministered to sexual indulgences, which it at the same time legalized and encouraged.

Further, there was placed side by side with the Ba'al a corresponding female symbol, the ASITORETH (Babyl. "Ashtar") and the relation between the two deities was set forth as the example and the motive

of unbridled sensuality. The evil became all the worse when in the popular view YHWH himself was regarded as one of the Ba'als and the chief of them (Hosea ii. 16). It was in northern Israel, where agriculture was more followed than in the southern kingdom, that Ba'al-Worship was most insidious and virulent. The Book of Hosea speaks

Popular and Official moral and religious ruin which it wrought in the days just before the fall of the monarchy. It was to the Ba'als that the popular worship of the high

places was paid; or, more frequently, to YHWH himself with Baalish rites. In the kingdom of Judah the inveterate evil was abated, if not at once quelled, by the concentration of all religious acts in Jerusalem and its Temple. More pernicious while it lasted than this popular inland Canaanitic cult was the elaborate official Ba'al-Worship of Anab and Jezebel, above alluded to, which was finally rooted out by revolution and proscription (II Kings ix., x.). It had prophets by the hundred, as well as priests, and had the effect of virtually though not avowedly putting the religion of YHWH under the ban. It was introduced into Judah by Athaliah, daughter of Jezebel; and its suppression there was also accompanied by a civil outbreak (II Kings xi. 4 *et seq.*). Ba'al-Worship did not play so great a part in the later religion of Judah as did the adoration of the heavenly bodies and related usages borrowed from Assyria and Babylonia. Yet the customs native to the soil lingered on till they were obliterated by the Exile.

Apart from the offerings of fruits from the earth and the firstlings of cattle, much is not known with regard to the rites of the popular Ba'al-

Rites and Accompaniments. Self-torture and mutilation characteristic of the Phœnician type (I Kings xviii. 28) were probably absent from the simpler and freer usages of the primitive local observances. It is also doubtful whether the sacrifice of children, proper to the service of Molech, was ever a feature of inland Canaanitic Ba'al-Worship (Jer. xix. 5 is to be corrected by the LXX.). The shrines were little more than altars with the symbol of the Ashtoreth planted beside it—the sacred tree-stem or pole named from an old Canaanite goddess, Ashterah, with whom Ashtoreth was identified. Near by sacred pillars were also often reared.

It has been already indicated that the Ba'al plays a great rôle in Canaanitic proper names. A curious

Baal in Personal Names. phase in the history of the cult in Israel is shown in the substitution by later editors of (בשׁת), "boshet," "the shameful thing," for Ba'al in such names as Ishbosheth and Mephibosheth; compare "Eshbaal," I Chron. viii. 33, and "Meribbaal," I Chron. ix. 40 (viii. 34). A name which could not be thus treated was "Bealiah" (I Chron. xii. 6 [A. V. 5]), which means "Jehovah is Ba'al."

BIBLIOGRAPHY: Selden, *De Diis Syris*; Movers, *Phönizier*, i. 169 *et seq.*; Münter, *Religion der Karthager*; Gesenius, *Theophrastus*, s.v.; *Comm. ad Jes. ii. 335 et seq.*; Oort, *Worship of Baalim in Israel* (transl. by Colenso, 1885); Batbgen, *Beiträge zur Semit. Religionsgeschichte*; Baudissin, art. Baal in Herzog's *Real-Encycl.* 3d ed.; Nowack, *Hebr. Archäologie*, ii. 301 *et seq.*; Benzinger, *Hebr. Arch.*, pp. 371 *et seq.*; Smend, *Alttest. Religionsgeschichte*, pp. 51 *et seq.*.

Page 382

Exhibit 294

Baal worship not depravity

BAAL-PEOR Name of a Canaanitish god. Peor was a mountain in Moab (Num. xxiii. 28), whence the special locality Beth-peor (Deut. iii. 29, etc.) was designated. It gave its name to the Ba'al who was there worshiped, and to whose service Israel, before the entrance into Canaan, was, for a brief time, attracted (Num. xxv. 8, 5; Pa. cvi. 28). The god is himself also called "Peor" by abbreviation (Num. xxxi. 16; Josh. xxix. 17). It is commonly held that this form of Ba'al-worship especially called for sensual indulgence. The context seems to favor his view, on account of the shameful licentiousness into which many of the Israelites were there enticed. But all Ba'al-worship encouraged this sin; and Peor may not have been worse than many other shrines in this respect, though the evil there was certainly flagrant. In Hosea ix. 10 "Baal-peor" is the same as "Beth-peor," and is contracted from "Beth-baal-peor."

J. JR.

Baal worship J. F. McC.

—In Rabbinical Literature: The worship of this idol consisted in exposing that part of the body which all persons usually take the utmost care to conceal. It is related that on one occasion a strange ruler came to the place where Peor was worshiped, to sacrifice to him; but when he heard of this silly practise, he caused his soldiers to attack and kill the worshippers of the god (Sifre, Num. 181; Sanh. 106c). The same sources mention various other facts concerning the cult, all of which give the impression that it still existed at the time of the Tannaim. That the statements of the Rabbis are not wholly imaginative and do not take their coloring from the rites of some heathen or antinomian-Gnostic sects is shown by the fact that the worship of Peor is ridiculed, but nowhere stigmatized as moral depravity, by the Rabbis, which latter might have been expected, had the assertions of the Rabbis been based on the Gnostic cults mentioned.

J. SR.

After an interval of a few years, a nephew of the deposed Ukba, David b. Zakkal (920-940), was made exilarch, and Cohen Zedek II. was forced to recognize him. Foiled in this ambitious Pumbeditan thus was in regard to the exilarchate, he was in addition compelled to witness the rise and development of the Academy of Sura, also strongly opposed by him, but which under Saadia reached a point of unprecedented splendor. Saadia, who had been called to Sura from Egypt because there was no scholar of sufficient Talmudic authority there, had already made himself famous by his translation of the Bible into Arabic, and by his commentary upon it. His activity as gaon of Sura (928-942) was even more meritorious than this accomplishment. His battles with the Karaites form but one side of the general polemic activity which ruled at this time in Irak among the professors of the various religions. There was a Parsee controversy ("shikand

Saadia. gumanik V'jar") against Jews and Christians in the ninth century (Dar-mesteter, "Rev. Et. Juives," xviii. 4). Sabaryeshu, a Jacobite presbyter of Mosul in the tenth century, waged a discussion with a Jewish sage (Assemani, *l.c.* iii. 1, 541; compare Steinschneider, "Polemische Literatur," p. 85); and Mohammedan writers like Al-Kindi were continuous in their attacks, from the ninth century on, against Jews and Christians alike (Steinschneider, *l.c.* p. 112). Two califs, Al-Mukhtar and Kahir, interfered in the disputes between the exilarchate and the gaonate, with the result that both institutions suffered in influence. David had successfully maintained himself against his brother Joshua, whom Saadia had declared exilarch, and had thereafter made friends with the gaon, who had in the interval been banished to Bagdad. He left a son, Judah, to succeed him; but he ruled only seven months. Saadia then took affectionate charge of Judah's infant son, until the latter was slain in a Moslem riot. The exilarchate had to be suspended (about 940) until quieter times permitted its artificial revival. There are some faint traces that a certain Hezekiah, a grandson of David's son Judah, was exilarch for a time; but, according to other authorities, he was only gaon of Pumbedita—a post which, with his violent death in 1040, also passed away after an existence of 800 years.

The Academy of Pumbedita flourished for a century longer. Aaron ibn Sargado, a wealthy merchant of Bagdad and an opponent of Saadia, acted as gaon of Pumbedita (943-960) and very effectively. Of less importance was Nehemiah, son of Cohen Zedek; but in SURENA (968-1000) and his son HAI or Haia, the Jews of Babylonia possessed two incumbents of the gaonate who shed unrivalled brilliancy upon their office. Yet both these respected dignitaries found themselves the victims of calumnious representations made to the calif Al-

Sherira and Hai. Kadir, probably through the instrumentality of scholars who felt themselves slighted. The two geonim were for a time imprisoned, but ultimately were set at liberty, and the now aged Sherira resigned his office in favor of Hai, who discharged the duties of the gaonate until 1038. Upon his death the above-mentioned Hezekiah ruled for two years longer and

with his murder the gaonate of Pumbedita came to an end.

The gaonate of Sura was extinguished less suddenly. About 970 a certain R. Jacob b. Mordecai is said to have written to the Jewish communities on the Rhine on the matter of a false Messiah (Mannheimer, "Die Juden in Worms," p. 27); this is, however, considered to be a fabrication. The last gaon of Sura was Samuel b. Hophni, the father-in-law of Hai; he was distinguished for his literary activities. When he died in 1084, the gaonate of Sura retrograded more and more, until at last it expired quietly and unnoticed.

A special intervention of Providence, according to Ibn Daud, was arranged in order that Babylonian learning should be transplanted to Europe. Four scholars, sent to the West to gather funds for the academies, were captured on the Mediterranean by an admiral of the calif of Cordova; and after many experiences these four became the founders of rabbinical academies in Alexandria, Kairwan, Cordova, and perhaps Narbonne. Babylonia thus lost its central importance for Judaism; it was, however, replaced by the rising communities of Spain, whither the two sons of the unfortunate Hezekiah above mentioned had also migrated.

This forms an appropriate point at which to consider the general influence of Babylonia upon European Judaism. Luzzatto ("Hebraische Briefe," p. 865) thus, in substance, describes it: The West received both the written and the oral Law from Babylonia. Punctuation and accentuation were be-

gun in Babylonia; so also the piyyut, Babylonian rime, and meter. Even philosophy had its origin here; for the frequently mentioned but little-known David ha-

Judaism. Babbli or Al-Mukammiez, who lived before Saadia, is the oldest known Jewish philosopher. The greatest if not also the earliest payyetan, Eleazar Kalir, of the eighth century, was apparently a Babylonian. It is true indeed, adds Luzzatto, that heresy is also a Babylonian product;

for, in addition to the Karaites, Hiwi al-Balki, Saadia's opponent, was a Persian—in a broader sense a Babylonian. [The Talmudic usage survived for a long time of calling all Western Jews ("ma'arbaye") "Palestinians" and all Eastern Jews ("madinbaye") "Babylonians."] One peculiarity of the Babylonians, however, made no headway among the Jews of other lands: this was the system of supralincal punctuation (see Pinsker, "Einleitung in das Rabynisch-Hebraische Punctionensystem"), called the Babylonian or Assyrian, and said to have been invented by the Karaite, R. Aha of Irak (see Margoliouth, in "Proc. Soc. Bibl. Archæology," 1898, p. 190). To Babylonian literary activity, in addition to the Babylonian Talmud, must be ascribed possibly the Targum Onkelos, together with some Midrashic works ("Rabbot"). "Halakot Gedolot," and the well-known works bearing the names of the geonim Aha of Shabha, Anram, Saadia, Sherira, Hai, Hophni, and others. Babylonian learning, always great from Rab's time, expressed itself in independent works only toward the close of the period, and then disappeared altogether.

Babylonia, however, still continued to be regarded,

with reverence by the Jews in all parts. Eldad, who in the ninth century traveled extensively from Africa, notes that the Jews of Abyssinia placed "the sages of Babylon" first in their prayers for their brethren of the diaspora (Zemah Gaon, in Epstein, "Eldad ha-Dani," p. 8); and a similar prayer, קדוש פירקן, although it has quite lost its application, is extant to-day in many congregations. R. Paltiel of Cairo contributed one thousand gold pieces to the schools of Babylonia ("Medieval Jewish Chron." ff. 128). In accordance, no doubt, with a custom prevalent in all places where Jews dwelt. In 1139 Abraham ibn Ezra was in Bagdad, and the exilarchate had possibly been restored at that time (see his commentary on Zech. xii. 7). Toward the end of the twelfth century, both Benjamin of Tudela and Pethahiah of Regensburg gave a description of Babylon; Judah al-Harizi's journey was somewhat later. Benjamin found seven thousand Jews in Mosul on the Tigris opposite ancient Nineveh, and at their head was R. Zakai, of Davidic descent; he found also R. Joseph Burj al-Fulk, court astronomer of the Seljuk sultan Saifeddin. Pethahiah ("Travels," London, 1856) found there two "nes'im" (princes) of the house of David. Other inhabitants paid a gold dinar to the government, but the Jews paid one-half to the government and the other to the two princes. In another passage (*l.c.* p. 20) Pethahiah says that every Jew in Babylonia paid a poll-tax of one gold piece to the head of the academy (of Bagdad?); for the king (calif) demanded no taxes. The Jews in Babylonia lived in peace. Passing through many places which counted two thousand, ten thousand, and even fifteen thousand Jewish inhabitants, Benjamin reached Bagdad, the residence of the calif. At this time the calif (Emir al-Mu'minin) was considered only as the spiritual head of the state; the functions of government proper were exercised by the Seljuk princes. "The calif," says

Benjamin of Tudela. "is kindly disposed toward Israel, and reads and speaks our holy tongue." In Bagdad there resided about a thousand Jews, and there were ten colleges, which he enumerates, all under a president of their own. At the head of all stood the exilarch Daniel b. Hisklai. This shows that the exilarchate must have been restored, and, to judge from Benjamin's further description, it had lost but little of its former splendor. Pethahiah mentions only one academy in Bagdad and but a single presiding officer; he knows nothing of an exilarch. The inroad of the Mongolians seems to have wrought havoc in Bagdad; and the only large congregation known to Al-Harizi (*Makama* 12, 18, 24, 46) was that of Mosul. Passing through the city of Babylon, Benjamin reached a place inhabited by twenty thousand Jews, where the house of the prophet Daniel was shown.

Both travelers recount many legends and popular traditions concerning Daniel's grave in Susa (see Cambridge Bible, Daniel, p. xxi.). Ezekiel's synagogue, and the graves of individual Talmudists—traditions which survive to-day in great measure there, but which evidence considerable superstition on the part of the Babylonian Jews, a failing they share, however, with their Mohammedan neighbors.

Al-Harizi sings of Ezekiel's grave in his 53d *makama*; Niebuhr saw the grave in 1765, and was assured that even then many hundred Jews annually visited it (Ritter, *l.c.* x. 264). Benjamin went to Kufa, where seven thousand Jews dwelt, and visited also the academic cities, Sura and Pumbedita; in ruined Nehardea, Pethahiah found a congregation, and in the celebrated Nisibis there were then eight hundred Jews. He relates that the "nasi" of Damascus received his ordination from the academic head of Babylonia, so that this country was still predominant in the minds of the Jews of the Moslem world. The

gaon of Bagdad, Samuel b. Ali ha-Levi, did not hesitate to oppose Maimonides publicly. Two hundred years later, about 1380, there lived in Babylonia a prince, David b. Hedayah, who took up the cause of a German rabbi, Samuel Schlettstadt; this prince traced his descent, not from Bostanai, but from the Palestinian patriarchs (Coronel, "Commentarii Quinque," p. 110, Vienna, 1864). There was likewise an exilarchate in Syria under the Egyptian sultan in the thirteenth and fourteenth centuries, with its seat at Damascus; the exilarch Yisha of Damascus (1288) joined hands with the exilarch David of Mosul and the rabbinical authorities of Babylonia—that is, Bagdad—in opposing the anti-Maimonists ("Hemdah Genuzah," p. 216; "Keren Hemed," iii. 170).

Temporary commotion was caused in the life of the Jews of the califate by the appearance of David Alroy, who called himself in his Messianic capacity by the name of Menahem b. Solomon.

The califate hastened to its end before the rising power of the Mongolians. These heathen tribes knew no distinction, as Bar Hebraeus remarks, between heathens, Jews, and Christians; and their grand mogul Cublai showed himself just toward the Jews who served in his army (Marco Polo, book ii., ch. vi.). Hulagu, the destroyer of the califate (1258) and the conqueror of Palestine (1260), was tolerant toward both Jews and Christians; but there can be no doubt that in those days of terrible warfare the Jews must have suffered much with others.

Under the Mongolian rulers, the priests of all religions were exempt from the poll-tax; and it is not true when Mohammedan writers deny that the Jews

possessed the same privilege (Vambery, "Gesch. Buchara's," i. 156, Stuttgart, 1872). Hulagu's second son, Ahmed, embraced Islam, but his successor, Argun (1284-91), hated the Moslems and was friendly to Jews and Christians; his chief counselor was a Jew, Sa'ad al-Daulah, a physician of Bagdad (D'Ollsson, "Histoire des Mongoles," book iii., ch. ii., p. 31; Weil, "Gesch. der Islamitischen Völker," p. 381). After the death of the great khan and the murder of his Jewish favorite, the Mohammedans fell upon the Jews, and Bagdad witnessed a regular battle between them. Ghalkatu also had a Jewish minister of finance. Reza'id al-Daulah (Bar Hebraeus, i. 632). The khan Gazan also became a Mohammedan, and restored the so-called Omar Law (see above) to full sway. The Egyptian sultan Nasr, who also ruled over Irak, reestablished the same law in 1380, and saddled it with new limitations (Weil, *l.c.* pp. 19, 398). Mongolian fury once again devastated the localities inhabited by Jews, when, in 1383, Timur

surance Company as a sort of rival to Lloyd's. Only recently has the firm again turned its attention to mines, under the influence of Lord Rothschild, the interests of the London house in the Rio Tinto copper-mines and the De Beers diamond-mines being considerable. Similarly the firm has large interests in the oil-wells of Baku, Russia, thus becoming the chief competitor of the Standard Oil Company.

With the fall of Louis Philippe (1848) the hegemony of the various Rothschild firms again reverted to London. Baron Lionel, though his attention

was diverted considerably from finance to politics by the struggle for the emancipation of the Jews, gained considerable prestige by his repeated election as representative of the city of London; and the London firm was instrumental during his leadership of it in financing no less than eighteen government loans, including the Irish Famine Loan, one of £15,000,000 to the English government in 1856, the £5,000,000 Turkish loan of 1858, several refinancing operations for the United States, and national loans to the Russian government. He declined, however, to take up the Russian loan of 1861, owing to his disapproval of the action of the Russian government toward Poland.

After Mayer Amschel's death the Frankfurt firm, which for many years, especially between 1850 and 1870, was of great importance, was until about 1855 under the guidance of Baron Amschel Mayer von Rothschild, and upon his death came under the joint management of the brothers Baron Mayer Karl and Baron Wilhelm (universally known in Germany as "Baron Willy"). The former was a man of high culture and great ability, a lover of art and literature, but somewhat of a misanthrope, owing, it is said, partly to the fact that seven daughters were born to him but no son. Baron Mayer Karl became a mem-

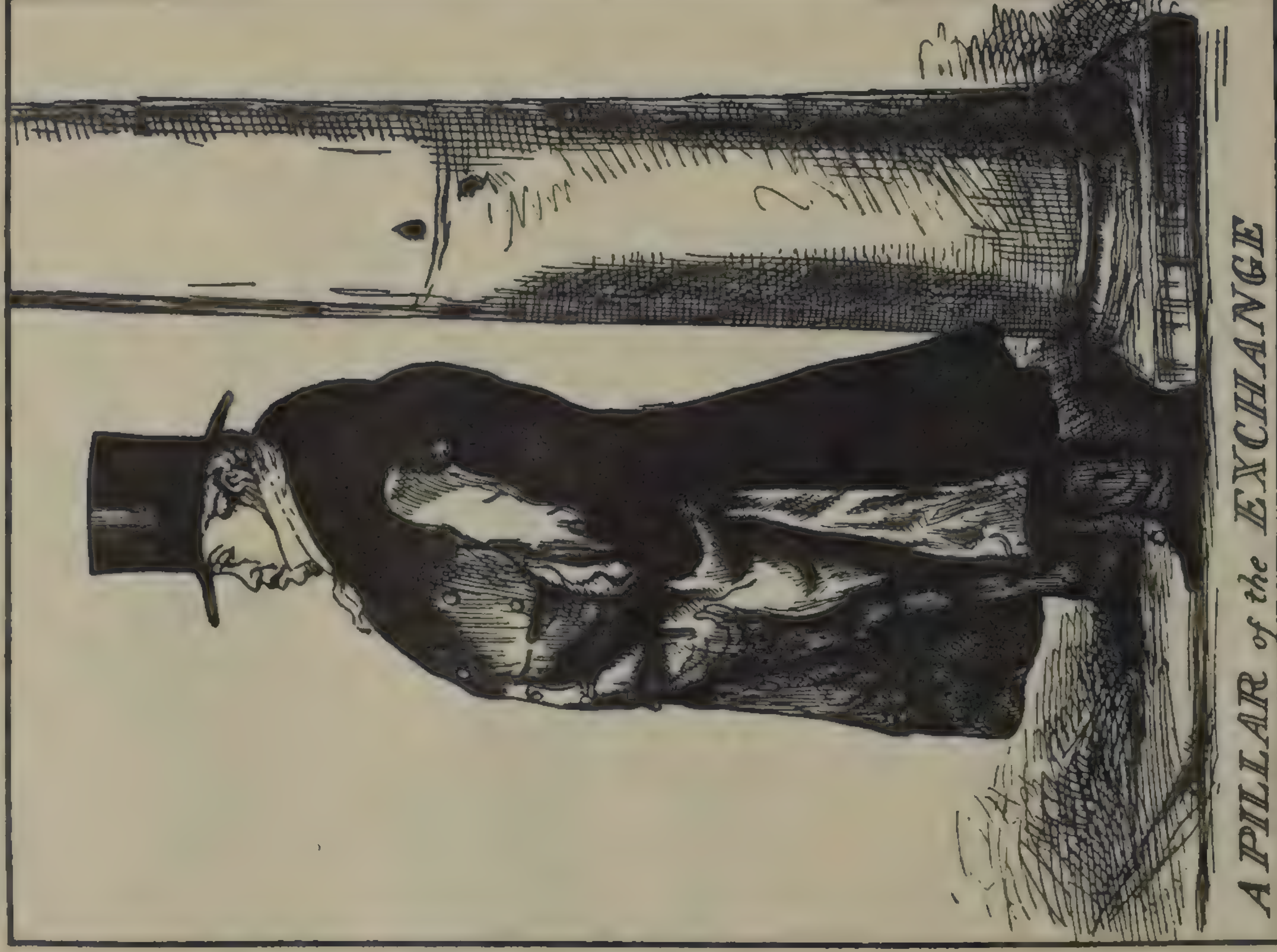
ber of the Prussian Herrenhaus (House of Peers) in 1870, and thereafter paid little attention to business affairs, leaving these to his brother Baron Wilhelm. The latter was a very religious man, of rather narrow views, under whom the importance of the Frankfurt firm rapidly declined. It was liquidated after his death in 1901.

The Rothschilds were not, however, without competitors in the issue of public loans. Other Jewish families—the Lazards, Sterns, Speyers, and Selig-

mans—adopted the Rothschild plan of establishing local branches in European capitals, each headed by a brother. And after 1848 the governments of Europe adopted the plan of throwing loans open to the public instead of resorting to one or two banking firms like the Rothschilds. In this way the Sterns secured the chief Portuguese loans, while a number of smaller Jewish firms began to combine their resources and form limited liability companies like the Crédit Mobilier, the Dresdener Bank, and the Deutsche Reichsbank of Berlin.

The relative importance of the Rothschilds diminished considerably in the second half of the nineteenth century. Having been ill advised

as to their American policy, they invested largely in Confederate bonds and lost heavily. This appears to have disgusted them with American finance, which they left severely alone for many years, thus losing the opportunities afforded by the great financial expansion of the United States in the last decades of the nineteenth century. With the Franco-Prussian war (1870-71) the Rothschilds again came into financial prominence. They arranged with Bleichröder for the payment to Germany of the indemnity of five milliard francs; in 1875 the London house advanced the British government £4,080,000 for Suez Canal shares, upon which the Rothschilds were reported to have made



Nathan Mayer Rothschild.
(From an old print.)

£100,000; and in 1884 they loaned the Egyptian government £1,000,000.

Meanwhile the Nationalist and Reactionary parties in France desired to counterbalance the "Semitic" influence of the Rothschilds by establishing a banking concern which should be essentially Catholic. Accordingly in 1876 the Union Générale was founded with a capital of 4,000,000 francs, increased to 25,000,000 francs in 1878 under the direc-

The tion of a certain Bontoux. After various vicissitudes, graphically described by Zola in his novel "L'Argent," the

Union Générale. Union failed, and brought many of the Catholic nobility of France to ruin, leaving the Rothschilds still more absolutely the undisputed leaders of French finance, but leaving also a legacy of hatred which had much influence on the growth of the anti-Semitic movement in France. Something analogous occurred in England when the century-long competition of the Barings and the Rothschilds culminated in the failure of the former in 1893; but in this case the Rothschilds came to the rescue of their rivals and prevented a universal financial catastrophe. It is a somewhat curious sequel to the attempt to set up a Catholic competitor to the Rothschilds that at the present time the latter are the guardians of the papal treasure.

Of recent years the Rothschilds have consistently refused to have anything to do with loans to Russia, owing to the anti-Jewish legislation of that empire, though on one occasion the members of the Paris house joined in a loan to demonstrate their patriotism as Frenchmen.

The remarkable success of the Rothschilds, which has now lasted exactly a century, has been due in the first place to the financial genius of Nathan Mayer Rothschild, and secondly in large measure to the settlement of the five brothers in the European capitals, which enabled them to issue loans simultaneously. In the early and later stages the London house was the base of operations; but during the reign of Louis Philippe the Paris house appears to have directed undertakings. The business principles on which the Rothschilds acted were the unified policy of the five, later four, and finally three firms; their determination never to deal with unsuccessful persons; their use of the surest information and the most reliable instruments; and prompt action after obtaining such information. They did not aim at excessive profits, nor did they put "all their eggs in one basket"; they drew back in time if an enterprise was not promising, selling quickly, if necessary even at a loss, on the principle that the first loss is the best; and they were almost the first to make use of journalistic methods to arouse the interest of the public in their loans. They have, however, consistently kept the secret of their own operations. The original five brothers were shrewd business men, but all were equally uncultured (Karl

As Philanthropists Mayer writes of a "kondract" he had made). Their descendants, however, and Art have been among the great patrons of Patrons. art throughout western Europe, the collections of Barons Amschel, James, and Ferdinand being especially noteworthy. They have created quite a school of Jewish dealers in art,

whose chief customers they have been (Duveen, C. Davis, Spitzer, and Wertheimer).

The services of the Rothschilds in the cause of philanthropy have been equally marked. Special hospitals have been founded by them for all creeds at Jerusalem, Vienna, Paris, and London; the Jews' Free School of the last-named city is supported almost entirely by Lord Rothschild at an estimated annual cost of \$15,000. In London and Paris they have established workmen's dwellings on a large scale and on an economic and commercial basis; and their private charities are very large. The founder of the house, Mayer Amschel Rothschild, held the curious theory that if a beggar thanked him, the charitable transaction was concluded, whereas if he received no thanks, Heaven owed him some recompense for his charity. Consequently, it was his custom to thrust a coin into the hand of a beggar, and to hurry away before the latter could express his gratitude.

In addition, some of the members of the family have evinced an interest in Jewish literature. Baron James in Paris was the founder of the Société des Etudes Juives; Baron Wilhelm of Frankfurt was a zealous collector of Hebrew incunabula, which are now in the Frankfurt town library; and almost all great Jewish literary undertakings have been subvented by one or other branch of the firm.

Hitherto the pedigree of the Rothschild family has been traced only as far as Amschel, the father of Mayer Amschel Rothschild; but, owing to the recent publication of the tombstone inscriptions of Frankfort-on-the-Main by Horovitz ("Inscriften von Frankfort"), it is now possible to trace it back with a high degree of probability four generations further, as far as Moses Rothschild, who was born about the middle of the sixteenth century. There is little doubt that all the Rothschilds form one family, as is shown by the similarity of first names; this would account for the somewhat unusual name of Kalman (brother of Mayer Amschel), and would give some hint as to the use of "Jacob" as the name of Mayer Amschel's youngest son, since the younger son of the uncle after whom he was named was also called Jacob. It is also seen that the rabbinic part of the family left Frankfort early in the seventeenth century, and is not related in a direct line with the more worldly portion.

The number of marriages between cousins in the later history of the family is remarkable, especially in the second and third generations after the five brothers had gone to five different capitals. Altogether of fifty-eight marriages contracted by the descendants of Mayer Amschel Rothschild to date (1906), no less than twenty-nine, or exactly one-half, have been between first cousins. It is noteworthy that these marriages as a rule have been fertile, which is what is anticipated by biological science; but several of the unions have resulted in daughters only, which is also anthropologically significant.

In the first names adopted there has been a restriction in choice in the early generations, causing a considerable amount of confusion between the many Charlottes, Louises, Karls, and Nathans. As a rule, the son has adopted the father's name as a second name, which has enabled a distinction to be made;

By Rabbi Leon Spitz

GLAMOROUS PURIM FORMULA

THE Purim festival offers a formula to combat anti-Semitism. And no wonder, since it was during those Purim days, just about twenty-five hundred years ago that Jews lived for the first time in their history in Galuth. And it was then that Jews met the anti-Semite face to face — and triumphed over him.

To the question, how can he do it? a rereading of the Book of Esther will afford the answer. No, there was no miracle about it at all. Fact is, the Purim festival is a technique in this respect that nothing supernatural is mentioned in its description. It is also unique in that the name of God does not occur in the entire story. It presents just this one problem, the problem of anti-Semitism, and affords a realistic solution, which seems to have a substantial amount of merit.

And yet it is this holiday about which poets have composed songs and ditties beginning with the Mediaeval Shoshanat Yakob to "Haman was a Wicked Man" and "In Shu Shu shu" so popular in our American Sunday schools. It is this festival which has evoked not a few of the great masterpieces by the master-painters of Christendom which are exhibited in the finest National Museums and Galleries in many a European Capital. These Purim paintings are to be found even among the priceless objects d'art which Goering and his hoodlums have looted and hidden away, now to be rediscovered one by one by American art experts. Purim launched the Yiddish Theatre with Esther as the charming heroine, Mordecai the popular hero, and Haman the villain par excellence. In the sunny climates of Italy and Southern France Purim carnivals were in vogue while in German and Hollandish Synagogues Haman was burnt in effigy

and with unrestrained glee. To this very day in a thousand Synagogues his name is blessed and mimicked on Megillah night to the accompaniment of human klappers and every other variety of festive noisemaker.

● Dealing as it does with the most serious problem of Jewish life, the perennial curse of anti-Semitism, the festival has yet become the merriest and the gayest in the Jewish calendar. The Order of the Day includes wine drinking, the Purim Seuda or Banquet to top off the holiday which has been launched on Megillah night by the public reading of the Story of Esther. It by no means neglects the giving of charity to the poor and it stresses the practice of Shalach Mones or the Exchange of Presents among relatives and friends. Every ear mark of festivity lends its bit of gaiety to make this the most glamorous of Jewish holidays. And so it goes.

But why all this? For the very simple reason that the Purim festival spelled to Every Jew of Every Generation the call to fight the good fight with a pretty definite assurance that victory and triumph were just right around the corner. The Purim story mirrored the precariousness and the uniqueness of Jewish Life in Exile. Withal it reemphasizes the story-book formula that all's well that ends well, and every Jew lived happily ever after.

In every way Jewish life as lived in the Purim story mirrors Jewish life outside of Palestine in every age and epoch of Jewish history. Mordecai and Esther had Persian names, they spoke the language of the coun-

Exterminate Anti-Semitic Termites As Our Ancestors Did 2,500 Years Ago

try of their adoption, they participated in the life about them, they attained posts of honor and of prestige. And simultaneously they had their own organized Jewish life and they adhered to their faith and to their traditions. And then anti-Semitism struck.

The causes were the perennial causes: jealousy, race hatred, the Jews were aliens, they were — that greatest of unforgivable crimes — they were DIFFERENT. In the words of the Megillat Esther, "Their laws are diverse from those of every people; neither keep they the king's laws." Haman too alludes to the foot which would be poured into the Royal Treasury by confiscating Jewish property, "I will pay ten thousand talents of silver to bring it into the king's treasuries." There is too the genuine Hitlerian touch. Hitler resented of certain individual Jews, determined to revenge himself upon the entire Jewish nation. Likewise Haman in his day, resented Mordecai and sought to massacre all the Jews.

The Purim formula demands the following elements: Selfrespect, Unity, Faith, Courage and Sacrifice.

Selfrespect—The Megillah is crystal clear on this point. Mordecai the Jew did not kneel nor did he prostrate. No matter what the price, his Jewish selfrespect permitted no compromises.

● Unity! Esther's counsel to Mordecai was, Go forth and assemble all the Jews of Shushan. American Jewry must present a united front in combatting its enemies. This is a first essential prerequisite before the

(Continued on page 12)

GLAMOROUS PURIM FORMULA

(Continued from page 5)

ranks can be closed. It is a must technique which every battle in human experience prescribes. Jews of every religious denomination and of every sort and manner of theoretical grouping, the maximum and the minimum Jews are dutybound to keep well in mind Ben Franklin's revolutionary bonmot, If we don't hang together we shall hang separately. Jews must learn to get along together and to embark on common action, to achieve their goals and to protect their rights.

Faith! A people must have faith both in its destiny and in its own power to achieve that destiny. "Enlargement and Deliverance will arise unto the Jews from another source." Sacrifice! Yes, there must be those who, more alive to the problems of Jewry and, placed strategically where they can help their people, must be willing to render the needful service even to the point of personal sacrifice. Noblesse oblige. They who are endowed with health, or prestige or influence, or talent—with the ammunition that plays a determining role in a Democracy — must be induced to make use of their ammunition in the protection of their fellow-Jews. For in the security of the entire family of Israel is assured the peace and the security of every individual Member of that Family.

And lastly, Courage.

● The kind of courage that Mordecai and the Jews of Shushan displayed was to meet the enemy in physical combat. It was a kind of courage which the Allied soldier displayed when he met Nazi and Japan in battle. It was the kind of courage of the flower of the Jewish Youth of Palestine exhibits in its battle for free entry to Palestine. For too many thousand of years The Voice has been The Voice of Jacob and the Hand was the Hand of Esau forever raised against his brother. Perhaps the time has come when roles should be changed. Let Esau whine and wail and protest to the civilized world, and let Jacob raise his hand to fight the good fight.

For the anti-Semite has no morality, and he has no conscience. He understands but one language, and he must be dealt with on his own level. The Purim Jews stood up for their lives. American Jews too must come to grips with our contemporary anti-Semites. We must fill our jails with anti-Semitic gangsters, we must fill our insane asylums with anti-Semitic lunatics, we must combat every alien Jew-hater. We must harass and prosecute our Jew baiters to the extreme limits of the laws, we must humble and shame our anti-Semitic hoodlums to such an extent that none will wish to dare to become 'yellow-travelers.



Esther Before Ahasuerus (Madrid Prado)

118081

DS 118081
141

D5

v. 2

Dilling, Elizabeth Kirk-
patrick
The Plot Against Chri-
stianity

| DATE DUE | BORROWER'S NAME |
|----------|-----------------|
| | |
| | |
| | |
| | |

Dilling
The Plot

THEOLOGY LIBRARY
SCHOOL OF THEOLOGY AT CLAREMONT
CLAREMONT, CALIFORNIA



PRINTED IN U.S.A.



